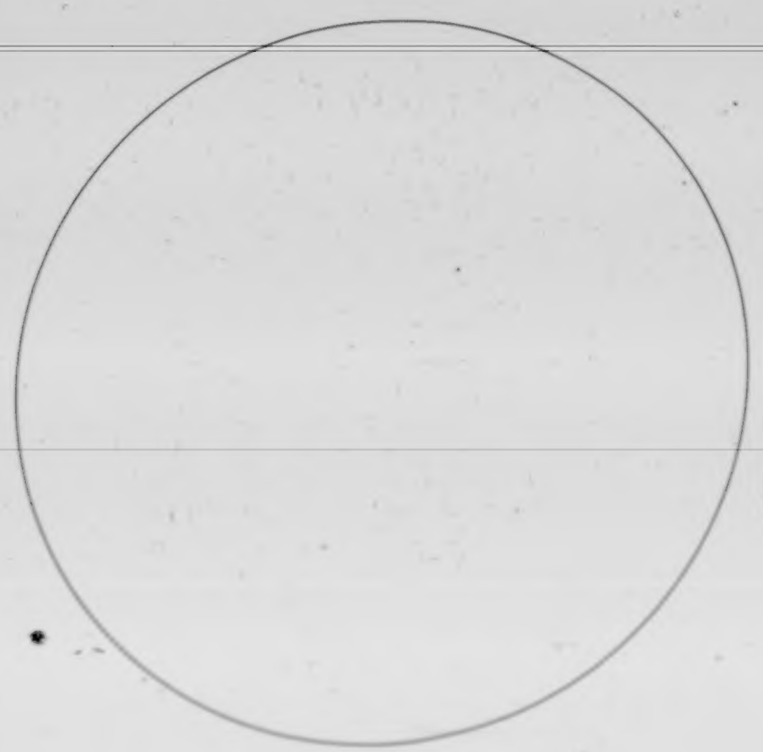
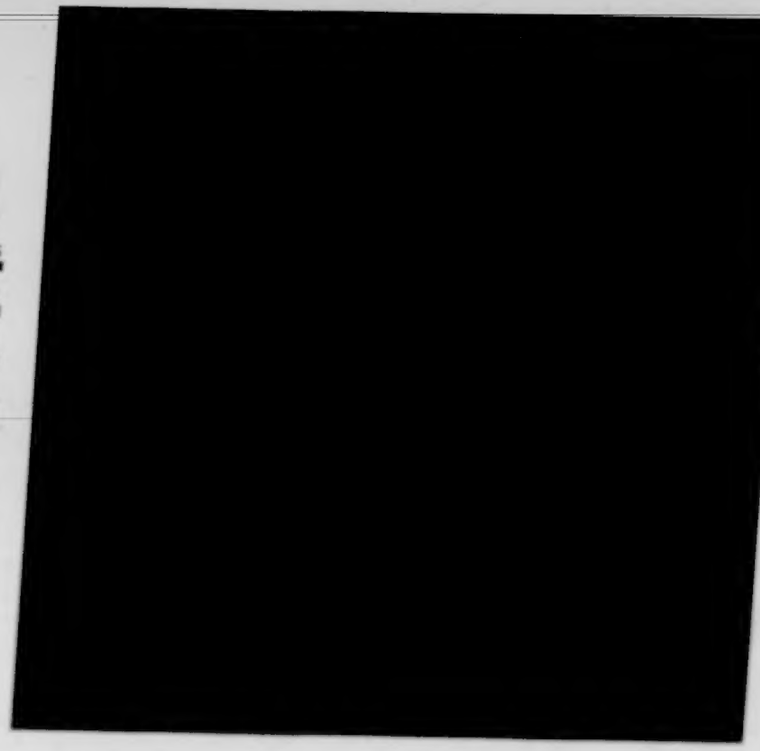


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

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DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF AMERICA MATOY FOR THE ENROLLMENT OF HERSELF AS A CHEROKEE CITIZEN.

The said America Matoy, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A America Matoy.
Q Any middle name? A No, sir.
Q How old are you? A I am sixty-two years old.
Q What is your post office address? A Southwest City.
Q What district do you live in? A Delaware.
Q Are you a citizen by blood? A No, sir; I am an adopted citizen.
Q Who are you applying for? A Myself.
Q Just yourself? A Yes, sir.
Q Is your name on the roll of 1880? A I don,t know whether it is or not. I don't much believe it is though.
Q What is the name of your husband? A William Matoy.
Q Is he living? A No, sir; he died this last spring.
Q He was a Cherokee citizen by blood? A That is what they say, yes, sir.
Q Have you any proof of your marriage? A Yes, sir; I have a marriage certificate.

THE COMMISSIONER: The applicant presents a certificate of marriage certifying that on the 24th day of April, 1887 she was married to one William Matoy, a Cherokee citizen by blood.

Q Have you any children living? A No, sir.
1880 Roll, page 287, No. 1727, William Matoy, Delaware District.
THE APPLICANT: I don,t guess my name was put on the 1896 roll.
Q Why? A Well, I don't know. Really I don't know. I didn't get to go, you know, myself.
Q Well, your husband was living at that time, wasn't he? A Yes sir.
Q Well, he enrolled himself. Why didn't he enroll you? Weren't you living with him at that time? A No, sir.
Q Have you ever married since? A No, sir.
Q Well, you and he were not living together? A Not at that time, no sir.
Q You were married in 1887? A Yes, sir.
Q How long did you live with your husband? A I lived with him--- I don,t know. We lived together and parted and lived together again. I don't know just exactly how long.
Q When did he die? A He died the 23rd day of last ~~January~~ April and was buried the 24th day. The day he was buried we had been married thirteen years.
Q Were you living with him at the time of his death? A No, sir; I wasn't living with him right then.
Q Well, did he desert you or did you desert him? Tell us all about it. A Well, he deserved me in the first place; that is, he quit home on account of me having one of my sons there that didn't have a good mind. He claimed to me that he was afraid of my son.
Q How long had you been parted when he died? A Well, we had been parted quite a while.
Q What do you call quite a while? A Well some five or six or seven years, but he still was still helping to keep me up.
Q Did you ever get a divorce from him? A No, sir; I never did.

Q Did he marry again? A He married again, yes, sir.
Q Before his death. A Yes, sir.
Q How could he marry before his death without a divorce from you? A He claimed he had a divorce, but if he did I never had no notice of the divorce or never was notified to attend the divorce when he act it.

EXAMINATION BY MR. W.W. HASTINGS, Representative of Cherokee Nation.

Q You lived together over on Whitewater, didn't you? A On the head of Brushy. You was personally acquainted with the old man, I know.
Q You were the wife of William Watoy? A Yes, sir.
Q You married him somewhere in the states? A I married him right in the Territory.
Q When did you marry? A In 1887.
Q How long did you live together? A Well, we lived together, I guess, about between four and five years.
Q You had a divorce suit? A No, sir; I never knowed nothing about the divorce suit. I never had one, I know.
Q You separated? A Yes, sir; he quit me.
Q And he married another woman? A Yes, sir; so I heard. I didn't even------
Q (interrupting) Have you married since? A No, sir; I have not.
Q Is his other woman alive? A I guess she is.
Q Is she a white woman or an Indian? A A white woman.
Q You were a white woman, were you? A Yes, I guess I was.
Q What was your maiden name? A Parris.
Q Had you ever married before you married Watoy? A Yes, sir. I married my first husband by the name of Turner and my second one by the name of Linn.
Q Are you divorced from Turner? A No, sir; he died.
Q Was you ever divorced from Linn? He is living? A Not that I know of. I never had no account of him from the time he left home. He left home about twenty-five years ago.
Q Where? A Neosho, Missouri.
Q He just quit you and left? A Yes, sir. He took all the child he had.
Q You never heard from the child? A Well, I heard that he went south, but I never got a letter from him in the world.
Q You never heard from the child? A No, sir.
Q That would mean you left him about 1875? A Yes, sir; he left me then.
Q And about twelve years after he left you married William Watoy in the Cherokee Nation. Now, did you ever marry again before you married this man Watoy? A No, sir.
Q Watoy was your third husband? A Yes, sir; and my last husband.
Q Is Watoy alive now? A No, sir he died the third day of April, and he was buried Wednesday, and the day he was buried was thirteen years from the day we were married. Thirteen Muskrat married us.

[illegible] the name of America Watoy does not appear upon the census roll of 1880, or by roll the census roll of 1896 of the unidentified roll of 1880, or by roll in the possession of the Commission. The proper certificate of marriage to one William Watoy, a Cherokee citizen by blood, deceased, which may be upon the authenticated roll of 1880, Notwithstanding her name is not upon any roll, this gives the Commission jurisdiction because of her alleged marriage. By reason of the facts stated in the testimony of herself and William from her said husband, and divorce obtained by him, final judgment as to the enrollment of the said America Watoy as an intermarried citizen will be suspended and her name will be placed upon a doubtful card.

America Matoy ---3.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

W. S. Markham

Subscribed and sworn to before me this 19th day of October A. D. 1900.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 27th 1901.

SUPPLEMENTAL TESTIMONY IN CASE D-601 of Mark K. Matoy et al.

Comes now the Representative of the Cherokee Nation and desires to introduce the following from page 58 of the Circuit Court record of the year 1892, Delaware District of the Cherokee Nation:-

"William Matoy
14 vs.
America Matoy

First, second and third calling.
Judgment by default, May 2d 1893.
Court awards custody of children to plaintiff. "

. . . . . .

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings and that the same is a full, true and correct transcript of his stenographic notes taken therein.

Subscribed and sworn to before me this the 28th of February, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 30th 1901.

Supplemental Testimony in the matter of the application id America Matoy, Doubtful Cherokee case 2501.

Appearances:
W. W. Hastings for the Cherokee Nation
I. N. Bledsoe for the applicant.

TILLMAN PIKE being sworn by Com'r Breckinridge, testified as follows for the applicant.

(By the Com'r)
Q Give me your name? A Tillman Pike.
Q How old are you? A 79.
Q What is your post office address? A Grove, I. T.
Q How long have you lived in the Cherokee Nation? A 10 or 11 years on and off but not steady.
(By Bledsoe)
Q Do you know William Matoy? A Yes sir
Q Do you know his wife, America Matoy? A Yes sir I got acquainted with her after they was married.
Q Did you live near them? A Yes sir, less than half a mile.
Q William Matoy is now dead? A Yes sir.
Q America Matoy is living? A Yes sir.
Q Do you know anything about their separation? A Yes sir I know they separated.
Q Did he leave America Matoy'n bed and board? A He left his wife.
Q She remained on the place? A Yes sir.
(By Hastings)
Q Are you a Cherokee citizen? A No sir, I was but jumped back over the fence, I married Matoy's daughter.
Q Then you are her step son in law? A I suppose so.
Q How far did you live from her when she married Matoy? A I didn't know her at all then.
Q How far did you live from her when the separation took place? A 5 or 6 miles.
Q Has you been about them any? A I made a mistake,there, I was living right near by when they separated.
Q How long had you been living there? A Something like 10 months.
Q Did man sued her for a divorce? A Not to my knowledge.
Q Don't you know he got a divorce from her? A I heard he had, I dont know it.
Q He is now dead? A Yes sir.
Q You dont know the cause of their separation? A No sir I dont know exactly,I have information but I dont know personally
Q This woman had been married before she married Matoy? A Yes sir.
Q She married a man in Missouri? A I dont know
Q That is family history isn't it? A Yes sir.
Q That man was living at the time she married Matoy? A Not that I know of.
Q You know it from family history dont you? A No sir I dont know, that was before I knew them
Q Tell you have heard it? A Yes sir, but I dont know.

LORENZO D. HASKELL being sworn by Com'r Breckinridge, testified as follows for the applicant:
(By the Commission)
Q Give me your name? A Lorenzo D. Haskell.
Q How old are you? A I am past 40.
Q What is your post office? A Oneida.
Q Cherokee Nation? A Yes sir
Q How long have you lived in the Cherokee Nation? A 18 years
(By Bledsoe)
Q Do you know William Matoy? A Yes sir.
Q Do you know his wife, America Matoy? A Yes sir.
Q Do you know that they lived together in the Cherokee Nation as

man and wife? A Yes sir.
Q Married? A Yes sir.
Q Do you know the cause of their separation, if you know that they separated? A Yes sir.
Q Do you know whether he left him or had just moved on whether she left him? A He left her in the first place.
Q He left her at the house and went over? A Yes sir.
Q Where did he go? A He went about a quarter of a mile from the home place.
Q Where did he stay with? A With his daughter and her man, Mr. Pike.
Q She has just testified? A Yes sir.
Q Mr. Chairman, I would ask you if you know anything about how long [illegible] a divorce from him. Have? A Only by hearsay.
Q Did you ever see any notice on anybody in regard to his divorce?
A No sir I can't say that I did.
Q State if you know of there having been any information on record as to
on him. Have? A Not that I know of.
Q [illegible] to him. Have, by correspondence? A I [illegible]
to obtain a [illegible] divorce? A I was [illegible] a notice—
Q What was the character of those letters? A I [illegible]
[illegible] to look up a bill of sale to his property and he [illegible]
quite letters that I thought was the bill of sale and he [illegible]
but then I took it to be a notice and I just read a few lines and he
[illegible] for it and said it was not the kind of mail.
Q Was. Have you received notice? A Yes sir.
Q If she had got his notice you would have known it? A Yes sir.
(Hawkins)
Q Where was your notice sent to? A I don't know.
Q How many times has she been married? A Three times.
Q This was her first husband's name? A Tarwell.
Q Your father? A Yes sir.
Q Where is your father now? A Dead several years.
Q What was her maiden husband's name? A Lynn.
Q Did she marry him in Mississippi? A No sir I think in Arkansas.
Q How soon [illegible] Mississippi? A No sir in Arkansas.
Q And this was the last wife some time or [illegible]? A Yes sir.
Q And that was the last wife some time or [illegible]? A Yes sir.
Q He was living when she left? A Yes sir.
Q And when she left Mississippi? A Yes sir I think so.
Q Had there been no [illegible] of his death? A No sir
Q He was a white man? A I believe so.
Q Not a citizen of the Chickasaw Nation? A No sir.
Q Full one hundred? A Yes sir.
(By Blanton)
Q She is still the widow of Bailey Have and is still living in the
Chickasaw Nation? A Yes sir.

* * * * * * * * *

? [illegible] the above mentioned notice.

* * * * *

Chas. Pike, being duly sworn [illegible] to the
[illegible] to the [illegible] [illegible] to [illegible]
according to the above [illegible] the [illegible]
plete [illegible] of the [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible].

Commissioner.

Supl.-C.D.#501.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL in the matter of the enrollment of AMERICA MATOY as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. The applicant this day appears by her attorneys Wisdom and Bledsoe. Receipt has also been acknowledged of Commission's letter.

Mr. W. W. Hastings, Cherokee Representative, present.

L. D. DARNELL, being duly sworn, testified as follows on part of applicant:

MR. WISDOM:

Q What is your name? A L. D. Darnell.
Q How old are you? A 41 years old.
Q Where do you live? A I live near Fairland, Ottawa is my post office.
Q Cherokee Nation, Indian Territory? A Yes, sir, Delaware district.
Q This applicant, America Matoy, your mother? A Yes, sir.
Q What was your father's name? A William Darnell.
Q You say you are the son of America Matoy, did your mother have any children by Matoy? A No, sir.
Q The Cherokee Nation have filed a statement that the custody of your children be awarded plaintiff, was there any children whose custody could be awarded at that time? A I don't know.
MR. BLEDSOE:
Q All the have are children adopted children? A Yes, sir.
Q Were living with them? A At that time?
Q Yes? A None what was born of them.
Q Well, you have any legally children, any adopted children living with them? A No, sir.
MR. WISDOM:
Q Well, that testimony is important to us? A I guess so, I don't see why they should have a decree at that time.

[illegible] the attorney in behalf of the applicant and representative of the Cherokee Nation submit the case to the Commission for final consideration and the same is ordered closed and reported to the Commissioner for decision based upon the testimony now of record.

The attorney for the applicant will be granted ten days in which to file a brief on this case, one copy of the same to be served upon the representative of the Cherokee Nation.

I, L. D. Darnell, being first duly sworn, state that my testimony appears in the foregoing transcript of the proceedings in the matter of the enrollment of America Matoy as a citizen of the Cherokee Nation; that I have read the same and that the foregoing is a true and complete transcript of the proceedings had in said matter.

L. D. Darnell.

Subscribed and sworn to before me this March 4, 1902.

Commissioner.

Delaware Dist.

ss.

Cherokee Nation.

This is to certify that I, Thompson Muskrat an authorized Minister of the Gospel and a resident of the Cherokee Nation, Indian Territory, did on the 24th day of April, 1887, join in Holy Bonds of Matrimony William Matoy of the Cheroke Nation and America Darnell of the Cherokee Nation, I.T.

Given under my hand this 27th day of September, 1900.

Thompson X Muskrat (SEAL)
his
mark

Witness to Mark

D.E. Havens,
Wayne Smith.

State of Missouri
ss
County of McDonald

Before me, D.E. Havens, a Notary Public for McDonald Co. Mo. personally appeared Thompson Muskrat, and being duly sworn stated that the above instrument is true.

D.E. Havens,
Notary Public.

(SEAL)

My Commission expires Sept. 14, 1904.

Muskogee, I.T., May 7, 1902.

I, the undersigned, a citizen of the Cherokee Nation by blood, do hereby certify that the above is a true and correct copy of the original affidavit in the matter of the application for enrollment of America Matoy as a citizen of the Cherokee nation.

Supplemental Cherokee D-501.

R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., July 5, 1902.

In the matter of the application of America Matoy for enrollment as a citizen by intermarriage of the Cherokee Nation.

Supplemental testimony on behalf of Applicant.
Appearances:
Applicant present in Person.
Cherokee Nation, by W. W. Hastings, Atty.

America Matoy, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A America Matoy.

Q What is your postoffice address? A Well, my postoffice now, where I am getting my letters, my postoffice well it is Southwest City, but my postoffice will be at Fairland or Oseuma there at my home up there.

Q You are an applicant before the Commission as a citizen by intermarriage of the Cherokee Nation, are you? A Yes, sir.

Q When did you come to the Cherokee Nation? A In 1883.

Q When have you been living since that time? A Well, within the limits of the Nation except just a little while, within ten miles of the same place, I haven't lived over ten miles from the same place.

Q When were you married? A I was married in 1887.

Q Where were you living when you were married? A Living in Yellowbird Hollow, ten miles west of Southwest City.

Q Is that in the Nation? A Yes, sir.

Q Is your husband living? A No, sir, he died last April two years ago.

Q Well, since your marriage where have you been living? A Well, part of the time, the biggest part of the time, in the Nation, and part of the time in Southwest City, is on account of my sickly son, part of the time in Southwest City, is on account of my sickly son, I had a son whose mind was affected, and I used to take him there in the summer.

Q Where were you living four years ago last month? A In the Territory.

Q Have you been living there continuously for the past four years?

A The most of the time.

Q How much of the time have you been out? A I have been out [illegible] a year, at times; I will make a year or maybe a little over a year, at times; I will tell you, I am alone by myself, my children all gone, and I go from one place and another, to see; I have a regular home, I [illegible] my regular home that my claim at Fairland.

Q [illegible] A Yes, sir.

Q [illegible] A No, sir.

Q [illegible] A [illegible] and [illegible] and [illegible] and

never notified me I had any letter.
Q Have you any property in the State of Missouri? A No, sir, don't own any only there at Fairland.
Q I thought you spoke of going to Southwest City to look after your fruit? A I said I did have a place there, it belongs to my son, and of course he sends me there to look after the fruit.
Q What is the longest time you have lived in Southwest City during the past four years? A About a year.
Q When was that? A That was last year.
Q Do you know how often you have been out of the Territory during the past four years? A And lived out?
Q Yes? A Twice.
Q That was last year, and when was the other time? A Last winter a year ago I was out, about as well as I remember now, about three or four months then, didn't have my things out though, I had them here, and then I own a place in the Territory that is down on Whitewater, well I have a house a mile south of Whitewater.
Q Where were your household effects? A They were mostly down there in the Territory.
Q Did you have any of them in Missouri? A I had some straw beds and things to camp while I take care of the fruit.
Q Were you camping there or keeping house there? A I was camping there when I was looking after the fruit.
Q During the year you lived in Southwest City did you keep house?
A Well I had to keep house because I moved out of my house on Whitewater to have it torn down, and of course I was living at my son's house.

By W. W. Hastings: You were separated from your husband before he died? A Yes.
Q And he got a divorce from you? A He claimed he got a divorce, but I never believed he did, he never notified me.
Q That is what you testified before? A I never was notified.
Q The records of the Court show that the divorce was secured?
A How, on what terms, as I asked the old man, did you get a divorce when you left me three weeks before I left the Territory.

Mr. Hastings: The Cherokee Nation contests this applicant for citizenship upon the ground that she claims as a citizen by intermarriage, after she had separated from her husband prior to his death, and after her husband had secured a divorce from her, and the Court a Court of competent jurisdiction, as the testimony in this case shows.

Commissioner: You were married in 1887 I believe? A Yes, sir.
Q How long did you and your husband live together after your marriage? A Quite a little while.
Q Well, how long was it, as nearly as you can tell, was it a year or two years? A Oh yes, it was over that time, and then I left him first, his girl hit me in the head with a rock, and then in the fall I went back to him again, and then I stayed with him till he left me again then.
Q You separated twice, did you? A Yes, we separated twice.
Q When did he die? A He died last April two years ago.
Q Were you living with him when he died? A No, he was living with that other.
Q How long had you been separated from him? A I had been separated quite a while.
Q Well, how long, do you know? A No, I don't recollect just how long.
Q Well, answer the question. How long was it that you were separated from your husband before he died? A It was - what year was it he died, two years ago last Spring?
A It was in 1900 that he died then? A Well we had been separated I guess four or five years, but now let me tell you right there, when I left home that last time, when I went back after part of my things I left home that last time, when I went back after part of my things why he had locked the door on me took the lock off that was on there and locked it with a different lock.

Mr. Hastings: Then you had left him and went back after some of your things? A Why after he was done gone, he had done gone when I left there; didn't I prove that in the Court over here at Vinita, it is on record somewhere; he had quit eating and sleeping there three weeks before I left there, that is a positive fact; of course I never was asked them questions myself but I was called to bring witnesses, and he had gone where he stayed, his son in law will testify to that.

-----o-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, and the foreg ing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 5th day of July, 1902.

Notary Public.

Cherokee D 501.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 16, 1902.

In the matter of the application of America Matoy for enrollment as an intermarried citizen of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

AMERICA MATOY, being sworn, testified as follows:

By the Commission,

Q What is your name? A America Matoy.
Q How old are you? A Sir?
Q How old are you? A I am sixty-five years old.
Q What is your postoffice address? A Fairland.
Q Fairland? A Yes, sir.
Q Are you a white woman? A I guess so.
Q You are claiming as a citizen by intermarriage, are you?
A Yes, sir.
Q What is the name of the husband through whom you claim your citizenship? A William Matoy.
Q Is he your first husband? A No, sir, he's my third husband.
Q Well, now, which one of your husbands are you claiming through?
A My last one.
Q Your last one? A Yes, sir.
Q When were you married to your first husband? A In '89, I believe it was.
Q How long did you live with him? A I don't remember now, about five or six years when the war come up.
Q Was he a white man? A Yes, sir.
Q When did you marry your second husband? A In '87.
Q Was your first husband dead then? A Yes, sir.
Q Is your second husband dead? A I don't know whether he is or not.
Q Was he a white man? A Yes, sir.
Q When did you separate from him? A Twenty-seven years ago.
Q Don't know whether he is living or dead? A No, sir, I never heard of him after he left.
Q When did you marry William Matoy? A Fifteen years ago last April, he was.
Q That was about twelve years after you separated from your second husband? A Yes, sir, I think that's about the time.
Q Was your second husband dead at the time do your know? A No, I never heard from him from the time he left.
Q Did you make any inquiry? A I made inquiry, but he never did write.
Q You have not heard anything from him or about him for twelve years? A I had not got no letter nor nothing.
Q Had you heard anything? A I had heard people say that he taught. He taught and married in less than a year after he left me I never had no writing.
Q You could not verify that? A No, sir.
Q Is William Matoy a Cherokee by blood? A Yes, sir.
Q Is he dead? A Yes, sir.
Q When did he die? A He died two years ago last April.
Q Did you live with him from the time you married up to the time of his death? A No, sir.
Q Were you separated from him? A Yes, sir.
Q What was the cause of the separation? A He left home and stayed about three weeks

Q He went away? A Yes, took his bed and board.
Q He took his bed and board? A Yes, sir.
Q Did you ever give him any cause to leave you? A Not that I know of.
Q You were always a faithful and affectionate wife to him?
A Yes, sir.
Q Did he say why he left you? A He claimed -- I asked him why he left me; I had a boy whose mind was affected. This boy was harmless but he just said that he was not going to risk his chances with Frankie.
Q Do you know where your husband is now? A William Matoy? He's dead.
Q Do you know if he married after he left you? A I heard he did.
Q You have not married since you separated? A No, sir.
Q Have you been living in the Cherokee Nation since you married Mr. Matoy? A Well, the higher part of the time.
Q Where have you been the rest of the time? A In Southwest City.
Q What were you there? A Well, I have been there -- last moved from there this last July, but I have been living in India Territory for the last five years.
Q Where did your husband, William Matoy, live? A Fort Gibson.
Q Was he a Cherokee Nation? A Yes, sir.
Q How long did you live there? A About [illegible] years.
Q [illegible] A [illegible] White Water.
Q [illegible] A [illegible] Cherokee Nation.
Q [illegible] A About a year.
Q [illegible] A [illegible].
Q [illegible] A [illegible] Missouri.
Q [illegible] A [illegible]
Q [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
A [illegible]
Q [illegible]
Q [illegible]
A [illegible]
Q [illegible] A [illegible]
Q [illegible]
Q [illegible] A [illegible]
Q [illegible]
Q [illegible]
A [illegible]
Q [illegible]
Q [illegible] A [illegible]
Q [illegible]
Q [illegible]
A [illegible]
Q [illegible]
Q [illegible] A [illegible]
Q [illegible]
Q [illegible]
A [illegible]

and then come back to the Cherokee Nation.
A And when you put in your application for enrollment you were living in Southwest City, Missouri, about two years ago? A No.
Q Well, that's about two years ago. A The Commission was at Gibson when I sent up my application.
Q That's two years ago. You were living in Southwest City two years ago, that's the postoffice address you gave the Commission.
Q In 1897, where were you living then? A In Southwest City.
Q How long after that before you came back? A That was August, and I moved back in October. I have been living in the Cherokee Nation the biggest part of the time since then.
Q Where have you been living the other part of the time since 1897?
A Part of the time in Southwest City, camping there to save my fruit.
Q Where were you living in June, 1898? A Why, I was living in Yellow Bird Hollow in the Cherokee Nation.
Q You had come back from Southwest City? A Yes, I moved back from down there in October, and did not move back till last winter was a year ago. I started to move and got to Fairland and got sick, and I persuaded him to leave me and get a house, and then I took the smallpox.
Q Then your residence has been in Fairland the bigger part of the time? A Yes.

By Mr. Starr.

Q Your residence has been in Southwest City what part of the time?
A It has been there part of the time but not near as much as in the Territory.
Q Where were you living when the Strip payment was made? A Right down in the Territory in Yellow Bird Hollow. I was living first one place and then another. Part of the time in the Territory, and part of the time in the State.
Q Isn't it a matter of fact that you went to Southwest City and became a resident in order to get your son in the Insane Asylum?
Q I went there and stayed a while. As long as I stayed in the Nation with him she would not consider him a citizen. Now, I am telling you the truth.
Q You had to stay out long enough in Missouri to become a citizen before you could get your son in the Asylum? A Well, I don't know.
Q How long did you stay there? A A little over two years but that was after I put in my application.
Q What enrollment are you speaking of, the enrollment of intermarried whites in 1896 or the enrollment of 1900? A The enrollment in 1896.
Q Where were you living when you put in your application this time?
A Why, two years ago.
Q Yes. A I was out here on the prairie staying with my son.
Q Have you lived in Southwest City since that time? A Yes.
Q How much time? A I don't remember. I ain't lived there any to amount to anything since April or May
Q Last April? A Yes, sir.

By the Commission,

Q What place have you called your home since you lived with Matoy?
A I have had so many homes I don't know what you'd call it. I have had a home here at Fairland for the last two years; not land out there.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 10th day of November, 19[illegible].

Notary P[illegible]

Cherokee D-501.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of America Matoy for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 3, 1900, America Matoy appeared before the Commission at Vinita, Indian Territory, and made application for her enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 27, 1901, at Vinita, Indian Territory, on October 30, 1901, and at Muskogee, Indian Territory, on February [illegible], July 5, and October 16, 1902.

The evidence shows that the said America Matoy was married on April 24, 1887, to one William Matoy, a citizen by blood of the Cherokee Nation, who died April 15, 1900. It appears that the applicant had two former husbands; one of them was dead before her marriage to William Matoy and the other left her in 1875, and she has not seen or heard anything from him since that time. It further appears that America Matoy, at the time of the death of her said husband, William Matoy, had been separated from him about six years. The evidence does not establish that she abandoned her said husband, and it appears that she has not remarried since his death.

The evidence further shows that the applicant has resided in the Cherokee Nation since the date of her said marriage to William Matoy, excepting a short time during which she lived in Missouri; that she was a resident of the Cherokee Nation on June 28, 1898, and has maintained her residence therein up to and including December 1, 1902.

It is, therefore, the opinion of this Commission that the applicant should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions and practice prevailing under the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

[illegible]

[illegible]

[illegible]

[illegible]

Dated: [illegible]

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION.

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
[illegible]	1141
Maggie J. Keys	1149
[illegible]	1177
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[illegible]	[illegible]
[illegible]	[illegible]

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T Jones	2501
Sarah L Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A Brown	2575
Louis K Fair	2623
James L. Mitchell	2644
Martha L. McNair	2659
Millard F Eggleson	2668
Elisha M. Gray	2680
Jessie M Ballard	2694
Annie Mayes	2798
Belle Stickeller	2809
James P Ritter	2825
William Brandon	2854
William A Martin	2863
Joseph Q. Buchanan	2888
Mazzelbra L Barrett	2900
Lena M Hill	2914
Lula R Smith	2918
Ira W Wood	2919
Jesse B Smith	2920
Lena O Hutchinson	2921
Cecil J Morgan	2922
Floyd E Boyd	2923
Margaret Campbell	2924
Woodson A Williams	2925
Georgiana F Bailey	2926
Mattie Lawrence	2927
Thomas H [illegible]	2928
Alice A Hickman	2929
Gertrude Allen	2930
William H Jones	2931
Ruth E Smith	2932
Jesse M Coffman	2933
Martha E Hayes	2934
Cora E Jones	2935
Alonzo A Wilson	2936
Cora E Ruble	2937
Cora Richardson	2938
Cecil E Jones	2939
Lucile Fleming	2940
Robert H Hayes	2941

William A J. Trotter	3257
Albert P. Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B Bluejacket	3345
Wilham Little	3377
Julia M A Russell	3386
Andrew J. Smith	3393
Wilham N Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M Roseborough	3444
Madison G Hawkins	3467
Japhat L Lilly	3491
Emma McAffrey	3543
William T Hunt	3570
Myrta I Chouteau	3580
Phebe Donohoo	3581
Ewel L Keeler	3593
Annie Hunt	3594
Maggie V Lynch	3615
Lena Peters	3616
Francis W Smith	3622
Addison C McDonald	3623
Sarah Chamberlain	3624
William L Chase	3625
Robert L Martin	3626
Cecil Williams	3627
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Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. [illegible]	4360
George S. [illegible]	4380
Quinn Carr	4387
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William A. [illegible]	4396
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Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Well-	5264
John T Gayton	5266
Annie Sweeten	5269
Rosalee Hendrick	5278
Lucina Chambers-	5328
James H Foster	5329
Melville B Bur-	5332
James R Greene	5336
Charles Hotter	5390
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William R. Sartain	5837
Joseph A Lawrence	5843
William H Hinton	5846
Joseph Lehr	5851
Euin M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W Young	5872
Earley F Ellis	5874
Rosa B Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H Merchant	5888
John D Merchant	5889
Sarah L Abernathy	5894
Jerry Young	5906
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Mary Hicks	5939
George W Wood	5972
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Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G Langley	6038
John T Ham	6042
Mary L Jordan	6048
John W Bradshaw	6076
James L Dean	6079
Amanda J Thompson	6082
Malissa Hubbard	6089
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William H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William A Fisk	6392
William O Ames	6394
Thomas Wilkerson	6396
Alree C Springston	6407
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Cora L Hanks	7147
Otto J Zeidler	7149
Ruby M Norman	7155
Mary L Lorenzo	7158
Alma Wood	7159
James M Cornelius	7161
Francis M Crowell	7163
George J McGuire	7171
Benjamin B [illegible]	7176
Ada Pilson	7180
William J Wilcox	7184
Frances B Perry	7191
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Hester A Mann	7202
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George E. Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Jane Thomas	9562
James F Petty	9563
Laura McCrary	9566
Joel D Smith	9568
William T Cave	9572
William Bugher	9577
James M. Smith	9582
John L Nazworthy	9583
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Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watts Sherley	10038
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Sarah A Fields		10214	Adolphus J Hallum	D	483
Sallie Henderson		10216	Alexander Walker	D	490
Charles H Rienhardt		10218	Albert J Hugh	D	491
Wilburn H Watkins		10221	America Mayo	D	501
Frank M Rucker		10222	Moses L Glazier	D	503
Henry C Reed		10224	Myrtle H	D	509
Logan B Timberlake		10226	Wallace [illegible]	D	511
George A Brown		10228	Thomas W Baker	D	546
Drucilla Lowrey		10232	Martha I [illegible]	D	550
Minnie Mosse	D	9	Wilkins [illegible]	D	560
Lorenzo Prather	D	16	Susan I Reed,	D	573
Andrew M Cooper	D	17	W[illegible] H I[illegible]	D	574
Martha J Stone	D	28	[illegible]	D	582
Lewis Wynne	D	44	Frances C Bass	D	587
C[illegible] M Rucker	D	58	[illegible]	D	588
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Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H Hulbert	D	891
Mary Brassfield	D	935
James L Tindle	D	944
Silas G Reneckar	D	966
Eliza Wofford	D	967
Jasper L Newton	D	971
John N Gunn	D	974
Hannah Parson	D	989
Nellie C Helterbrand	D	1001
Thomas J Welch Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1015
James M Lewis	D	1022
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Herbert I Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank I Dandeneau	D	2705
James Gifford	D	2708
Annie I Harbin	D	2715
William R Lapp	D	2717
Bertha Landrum	D	2718
L L Mann	D	2722
John D Martin	D	2723
M[illegible] McIntosh	D	2725
Bertha Nesbit	D	2730
Rachael N Neal	D	2731
William S Rice	D	2738
[illegible] Rice	D	2739
W[illegible] H R[illegible]	D	2740
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Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C Harris	D	3084	Fred Zimmerman	R	220
Travers Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Lelia Wyrick	D	3093	Austin L Hill	R	420
Samuel Harkan	D	3157	Mary L Dudley	R	439
Lena Pharis	D	3171	Stephen Hazlett	R	465
Lick Medard	D	3172	Mary A Payne	R	484
Sarah E Dye	D	3176	Rebecca Benge	R	563
Grace Gardner	D	3181	Sarah Wilson	R	615
Mary E Thornton	D	3187	Ilata Crane	R	628
Minnie Donovan	R	4	Andrew Strell	R	642
Samuel G Dye	R	5	Lida Strell	R	642
William F Ivey	R	20	L Mc Mc Wilson	R	642
Alice E [illegible]	R	[illegible]	Ona A Berger	R	646
[illegible]	R	4	Lin Hanson	R	671
[illegible]	R	3	James Davis	R	761
[illegible]	R	6	Chas M [illegible]	R	805

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
OCT 8 1900

ACTING CHAIRMAN

Delaware Dist. }ss
Cherokee Nation }

This is to certify that I
Thompson Muskrat an
Authorized Minister of the Gos-
and a resident of the Cherokee
Nation, Indian Territory
Did on the 24th day of April
1887 join in Holy Bonds of
Matrimony William Maloy of
the Cherokee Nation and
America Darnell of the Cherokee
Nation, I.T.

Given under my hand
this 27th day of Oct 1900
Witness his
Thompson + Muskrat
mark.

[illegible] }ss
[illegible] }

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
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[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED
FILED
OCT 23 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. Nov 24 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Emmeline Foster for enrollment as citizens of the Cherokee Nation.

J. P. Blackstone
(Signature of Applicant)

(Fee No. 501)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 3 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date [illegible] 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

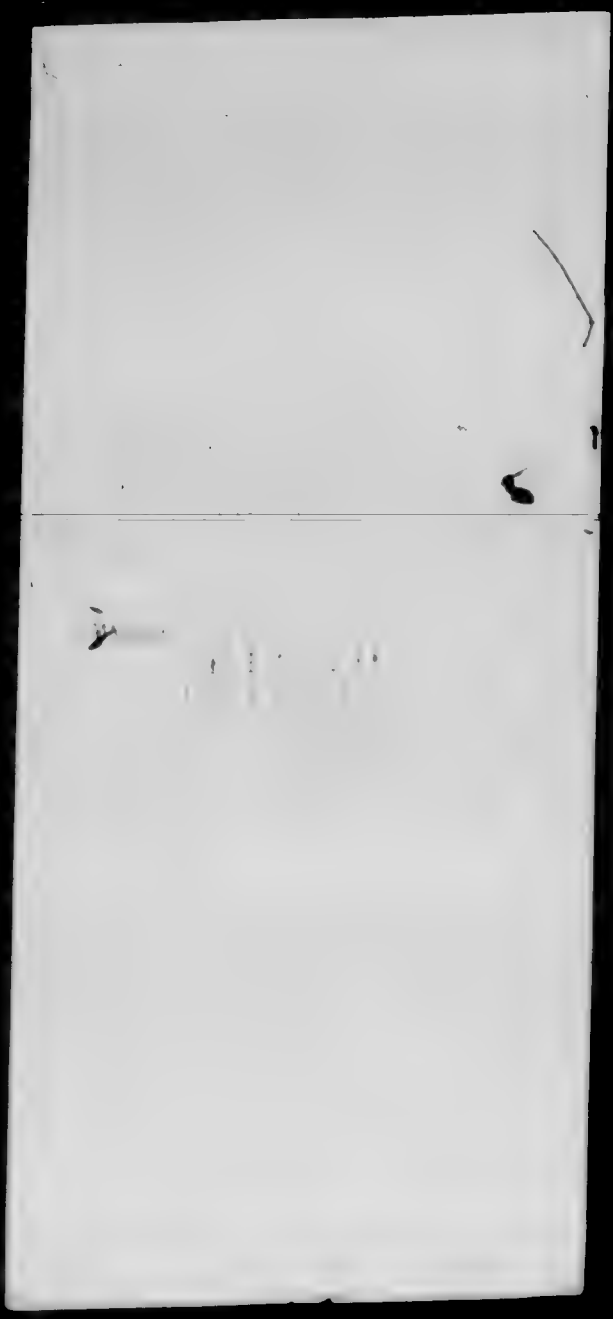
Intermarried citizen

Married under what law Date of marriage

License Certificate

Name of Children

[illegible]	Year	Page	No.	Age
[illegible]	Year	Page	No.	Age
[illegible]	Year	Page	No.	Age
[illegible]	Year	Page	No.	Age
[illegible]	Year	Page	No.	Age
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COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
H. BRECKINRIDGE

ALLISON L. GAYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 12, 1902.

Mrs. America Vatoy,

Southwest City, Missouri,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

2nd day of February, 1902.

[illegible] appear before the Commission, in person or by attorney, [illegible] introduce any additional testimony affecting your application.

[illegible]

Copy to J. P. Bledsoe

Dep'y.

Cherokee D 801

Muskogee, Indian Territory, June 19, 1902.

Americe Matoy,

Southwest City, Mo.

Madam:

You are requested to appear before this Commission at its office in Muskogee, Indian Territory, on or before July 5, 1902, and testify as to how long you have resided in the Cherokee Nation, and whether you were a resident of said Nation at the time of your application for enrollment.

Please give this matter your immediate attention.

Yours truly,

Commissioner in Charge.

Register

Cherokee No.
D. 501

Muskogee, Indian Territory, January 10, 1907.

America Matoy,
Fairland, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decm. D ___

Commissioner.

Cherokee D
501

Muskogee, Indian Territory, March 14, 1907.

America Matoy,

Fairland, Indian Territory.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MTM

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. P. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 19, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.2-Lem.

Cher R 1107

Trans. from Cher D 503

Cher R 1107

Doubtful as to husband, Moses L. Grazier.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3, 1900.

In the matter of the application of Martha Grazier for the enrollment of herself as a Cherokee citizen; ~~husband~~ also for the enrollment of her husband as intermarried, and her children as by blod; being sworn and examined by Commissioner Breckinridge she testified as follows:

Q What is your name? A Martha Grazier.
Q How old are you? A 46.
Q What is your post-office? A Afton.
Q What district do you live in? A Delaware.
Q Who is it you want to have enrolled yourself A Yes sir.
Q And your husband? A And my children.
Q How many children? A six
Q You are a Cherokee by blood? A Yes sir
Q What proportion of Cherokee blood do you claim? A 3 quarters
Q Is your husband a whiteman or a Cherokee? A He is a white man
Q How long have you lived in the Cherokee Nation? A All my life
Q Give me the name of your father? A Arch Ballard.
Q Is he dead or alive? A He is dead.
Q Give me your mother's name. A Annie.
Q Is she dead or alive? A She is dead.
Q When were you married to your husband? In accordance with this paper you hand me? A Yes sir.
Com'r: The applicant presents duly authenticated Cherokee license issued by the Clerk of Delaware District June 7, 1880, authorizing marriage between M. L. Grazier a citizen of the United States and Martha Ballard, a citizen of the Cherokee Nation. The certificate shows that they were united in marriage on the same date, by the Clerk of the district to whom it is directed.
Q Now what's the M in your husband's name for? A Moses.
Q Have you and he lived together ever since you were married in 1880? A Yes sir.
Q And all the time in the Cherokee Nation? A Yes sir.
Q That good looking gentleman there is your husband to me? A Yes sir.
Q Give me the names of your children, please? A Homer W
Q How old is he? A 17 coming.
Q Next child? A Elma.
Q How old is that child? A 11 years old.
Q Next child? A Lucy.
Q How old is that child? A 9 years old.
Q Next child? A Ora.
Q How old is that child? A 6 years old.
Q Next child? A Alice.
Q How old is she? A 4 years old
Q Next child? A Portia.
Q How old is that child? A 2 years old.
Q These children are all living now? A Yes sir.

[illegible] roll page 476 # 1[illegible] Martha Ballard, Delaware native
[illegible] roll page 474 # 1[illegible] Martha Grazier, Delaware District
[illegible] roll page 474 # 1[illegible] Moses L. Grazier, Delaware District
[illegible] roll page 474 # 1[illegible] Homer Grazier "
[illegible] roll page 474 # 1[illegible] Elma Grazier "
[illegible] roll page 474 # 1[illegible] Lucy Grazier "
[illegible] roll page 474 # 1[illegible] Ora Grazier "
[illegible] roll page 474 # 1[illegible] Alice Grazier "

Q How old is your husband? A He is 51 years old

Moses L. Grazier, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give your full name? A Moses L. Grazier.
Q How old are you? A 50 yearsold.
Q What is your post-office? A Aftom, Indian Territory.
Q You are the husband of this applicant here, Martha Grazier?
A Yes sir.
Q You married her in 1880 as shown by the license? A Yes sir.
Q Were you ever married before you married her? A Yes sir
Q To whom were you married first? A Ruth Haywood, Osage County, Missuri.
Q Is she dead or alive? A She is dead.
Q When did she die? A She died in I think it was 1879, just a year previous to my marriage to my present wife.
Q You have only been married twice? A Yes sir, that'a all.
Q Your wife never was married except to you was she? A No sir.
Q Have you lived continuously in the Cherokee Nation ever since your marriage to your present wife? A No sir, not altogether; I have been out in the State of Kansas, but I never have been away from home over five weeks at the furtherst.
Q Did you leave your family here all the time, A Yes sir
Q You only went out for temporary purposes? A I was practicing medicine.
Q You kept your wife and children here all the time? A Yes sir.
Q Did you ever vote while you were out? A No sir
Q Never exercised any rights of citizenship outside the Cherokee Nation? A No sir

APPLICANT RE-CALLED, and examined by Cherokee Rep've Hastings:

Q In what district do youreside, Mrs. Grazier? A Delaware.
Q How long has Mr. Grazier been out to Independence, Kansas: He has been done off and on.
Q About how many years? A Two or three years.
Q Now Mrs. Grazier who have you been hearing goes with him?
A I don't know a thing about it.
Q Who have you heard goes with him? A I haven't never heard he goes with anyone.
Q How often does he come home? A He is at home inside of every two or three weeks.
Q What is he doing up there at Independence Kansas? A He is practicing [illegible] medicine.
Q Is he a licensed doctor? A Why that's what he says.
Q I want to ask youif it is not publicly known that this man is living with another woman up there at Independence, Kansas?
A I don't know.
Q Did you ever hear it? A I heard the rumor, but that's all I know about it.
Q It has been the neighborhood talk A I guess so.

[illegible] L. GRAZIER, RE-CALLED and examined by Hastings:

Q What are you doing at Independence, Kansas? A I told you I was practicing medicine.
Q Are you a licensed physician? A I am licensed in this way. I was practicing medicine in Missouri before I came here, and there was a law requiring all those practicing medicine to come up and register, and I practiced under the register law.
Q How far is your home from Independence, Kansas? A It is about a day's travel.
I haven't been in Independence but a few weeks. I was in Tyro Kansas about a year.
Q And your family live in Delaware District A Yes sir.
Q How long have you been practicingmedicine inKansas? A I think this is the third year.
Q I will ask you if you have been living with another woman up

there in the State of Kansas? A No sir
Q You have never been holding any woman out up there as your wife other than this one that is just applying here with you?
A No sir, I never have; I haven't got but one living wife; but then I can say this: I may have been boarding at places where there was ladies, but I haven't any but one woman in the world, and that's this woman here.
Q Have you ever boarded with a woman whom you held out to the community as your wife? A No sir.
Q Is there any other woman that's known as your wife but this woman, up there at Independence, Kansas? A No sir, there is not sir.

By Com'r Breckinridge:

Q You put out your sign up there to practice medicine? A Yes sir.
Q Do you keep out any sign here? A No sir, I am not practicing medicine down here only just in around in the neighborhood.
Q How long have you kept your sign up there in Independence?
A I have ~~lived in Independence~~ not been in Independence but about three weeks.
Q How long did you keep your sign up there in Kansas? A I have my sign wherever I go, I take it and stick it up wherever my office is.
Q You have been practicing medicine for the last 20 years?
A No sir, I quit practicing after I came to this country quite a while.
Q How long have you been practicing medicine? A About 15 years altogether.
Q Where have you been practicing? A In Osage County, Missouri and in Cole.
Q Mostly in Osage County Missouri? A Yes sir.
Q How long did you practice in Osage County, Missouri? A About 7 years.
Q Did you keep your office there? A No sir, I didn't have any office. I was at home with my mother then, she was living in Osage County, Missouri.
Q Were you living there with your mother? A Yes sir.
Q Then you did do a lot of practice in Kansas? A Yes sir.
Q All that is within this last 15 years? A The last practice I have done in Kansas was in the last 3 years.
Q What is the name of the town you practice at there these last three years? A I was at Elk City awhile and at Oak Valley awhile and at Tyro and I am now at Independence.
Q Three places in three years? A Yes sir.
Q Do you keep an office at these places? A Yes sir
Q And that's where you are doing your business? A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself, her husband and six children, she is identified on the rolls of 1880 and 1896 as a native Cherokee, who has lived in the Cherokee Nation all her life and she will be listed now for enrollment as a Cherokee by blood, of her six children the first five are identified with her on the roll of 1896, they are minors and are living at this time, and they will be listed for enrollment as Cherokees by blood. The one supplies the Commission with proper certificate of birth as to the youngest child, Bertha, this child also will be listed for enrollment as a Cherokee by blood.

As for her husband he is shown to have married her to ascertain with Cherokee law in 1880, but he is not upon the 1880 roll, he is identified on the roll of 1896 his testimony shows that his residence is a matter of doubt, he following his business with regularity in Kansas and Missouri, living for a number of years with his mother in Osage County, Missouri, and his application for his own enrollment will now be placed upon a doubtful card

Martha Grazier et al 4

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 3rd day of October 1900.

Commissioner.

Supl.-C.D.#503.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MOSES L. GRAZIER as a citizen of the Cherokee Nation, introduced on part of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be tzken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. The records of the Commission ~~fix~~ fail to show that its letter of February 12, 1902, has been received by the applicant.

Mr. W. W. Hastings, Cherokee Representative, present:

J. C. STARR, being duly sworn, testified as followw on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A J. C. Starr.
Q Post office? A Vinita, age 31.
Q Are you the stenographer for the Cherokee attorney? A Yes, sir.
Q I will ask you whether or not you have made any effort to get service upon Moses L. Grazier, the applicant here? A I have.
Q Well, what effort have you made? A Sent a registered letter to Moses L. Grazier at Afton, Indian Territory.
Q Well, did you learn he was not up there? A Learned he was not there and at Independence, Kansas, and sent a notice to the City Marshal at Independence, Kansas, and I have heard nothing from that.
Q Have you since heard where he is? A I have since heard that he is at Moorehead, Kansas.
Q The reason you haven't got any service on him is because he was not up about Afton? A That was the reason.
Q This and the post office address we have in his application?
A Yes, sir.

Mr. Hastings: I move now the representatives of the Cherokee Nation and ask to be permitted to have testimony in this case because it is shown by the above testimony that they have used every effort to get service upon the applicant, and by reason of his absence from the Territory it is impossible to [illegible]. In view of the facts as stated the request of the Cherokee Nation will be complied with and the testimony heard.

[illegible] being duly sworn, testified as follows on part of the Cherokee Nation:

MR. [illegible]:

Q What is your name? A [illegible]
Q What is your age? A 44.
Q What is your post office? A Keokuk.
Q How far do you live from Afton, Indian Territory? A Eight miles
Q Do you know Moses L. Grazier the applicant? A Yes, sir, I
know him.
Q Who was his former wife, the wife that he obtained his citizenship
through? A She was a Ballard.
Q Sister of yours? A Yes, sir.

Q Is he living with her now? A No, sir.
Q Well, where is he? A I don't know, we could not find him; I don't know where he is; they would not tell me anything about him, I went up there a few days ago.
Q How long has it been since he has been living with this woman?
A Well, ever since he has been out of her,e; ever since '97; he coms back every three or four months and stays a wekk or two and then out again, gone.
Q Do you know anything about the circumstances of his leaving?
A Not in particular than he took another woman off and then left; I have seen the woman, has two children by him.
Q Is she a white woman? A Yes, sir; I was told by his son one day last week that he had two children by her.
Q It is commonly known throughout the country up there he is living with her? A Yes, sir, it is commonly known.
Q Where has he been reputed to be living? A The last letter we had from him, we had a letter from the Sheriff of Chetopa, Kansas, and he was in Independence, the last account we had.
Q How long has it been since he actually lived in the Cherokee Natio or about Afton; I don't mean to visit there? A Well, about '97.
Q Since that time has he lived in Kansas? A No, he has lived in Missouri and Kansas and Arkansas part of the time.
Q He went off from there with a white woman? A Yes, sir, Frazier had married a woman and he taken her away from his son, his son told me.
Q That is where you got your information? A Yes, sir, and from his other children.
Q His Cherokee wife was your sister? A She is my sister.

COMMISSION:

Q Is Martha Frazier your sister? A Yes, sir.
Q Weren't they living together when this application was made in October? A They is the way they swore, but they was not. He came the neiht before from Kansas, I trailed him from Independence
Q Your sister swore at that time that he was living with her?
A Yes, sir, I was standing right by.
Q Do you know of your own knowledge that he has not been living with her since then? A No, he has not been there only home every two or three, four months.
Q When he would come here would they live together as man and wife?
A I don't know, I would not tell as to that.

MR. HASTINGS:

Q As a matter of fact you knew that they haven't been living together when he came here it would something a day or two? A Yes, sir.

COMMISSION:

Q How long had he been here when this application was made?
A He came the night before.
Q And made this application the next day? A Yes, sir.
Q How long had he been there? A He stayed two or three days and went back.
Q Did he take his wife back with him? A Yes, sir, the white woman.
Q He didn't take that sister with him? A Yes, sir, he didn't take her any place.
Q Were you present when this application was made? A Yes; the
Q You know these facts then did you? A Yes, sir.
Q What is this white woman's name? A The one
Q Her given name? A I don't know.
Q He has been living with her since then? A Yes, sir, and was
Q Is there any letter from Kansas [illegible]
Q Is there any letter from Kansas [illegible]
and I give the letter to Boyer

MR. HASTINGS:

Q The district Attorney? A Yes, sir, and we can't hear from him any more.

COMMISSION:

Q Did your sister and this man live together all the time up to 1897? A Yes, sir

Q That is the first time they separated? A Yes, sir; she claims they had no falling out but he left her.

Q Have they lived together since th at time at any time?

A I don't know, I don't go about them.

Q Does he contribute anything to the support of your fister?

A I could not say as to that; I furnsihed her some--he was gone, and come down there saying she was on sufferage and I give her such as flour, bacon and corn.

Q You don't know whether he ever contributed anything? A No, sir

Commission: In view of the fact that the whereabouts of the applicant was unknown and he fails to appear in person answer to the Commission's letter, it is directed that the case be closed, and the same be submitted to the Commission for a final decision based upon the evidence now of record.

---oOo---

[illegible]. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 3, 1914.

Commissioner

Cher
Supp'l to D 503

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of MOSES L. GRAZIER, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

MOSES L. GRAZIER, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Moses L. Grazier.
Q How old are you ? A Fifty four.
Q What is your post office ? A Narcissa.
Q Was it formerly Afton ? A Yes sir.
Q Narcissa is in the Cherokee Nation ? A Yes sir.
Q You are a white man ? A Yes sir.
Q Claiming as an intermarried citizen ? A Yes sir.
Q What is the name of the wife through whom you claim your citizenship ? A Martha Ballard, before I married her.
Q When were you married to her ? A The 7th day of June, 1880.
Q Were you married to her under a Cherokee marriage license ?
A Yes sir.
Q Was she your first wife ? A No sir.
Q You were married before ? A Yes sir.
Q How often ? A Once.
Q Was your first wife a Cherokee or a white woman ?
A A white woman.
Q Was she dead when you married Martha ? A Yes sir.
Q Was Martha ever married before you married her ? A No sir.
Q Is your wife Martha living ? A Yes sir.
Q Are you living together ? A Yes sir.
Q Been living together ever since you were married in 1880 ?
A Yes sir. I have been out in the State some.
Q But you were not separated ? A No sir.
Q Where have you made your residence since you married ?
A Right around Afton all the time.
Q You say you have made your home near Afton most of the time ?
A Yes sir.
Q The other part of the time where have you been ?
A I am a practicing physician, and practiced medicine in the State of Kansas.
Q When did you first go to Kansas ? A About 4 years ago
Q The first time you went out of the Cherokee Nation after your marriage ? A In 1887, I think, or 1888.
Q Did you live continuously in the Cherokee Nation from then to then ? A Yes sir.
Q When did you first go out of the Cherokee Nation any where ?
A In 1887
Q Did you live in the Cherokee Nation continuously from 1880 to 1887 ? A Yes sir.
Q Never was out ? A No sir.
Q You went to Kansas in 1887 ? A Yes sir.
Q What time in 1887 ? A In March.
Q What were you doing there ? A Practicing medicine
Q Did your wife go with you ? A No only she stayed in the Cherokee Nation.
Q You own a place in the Cherokee Nation ? A Yes sir.
Q How long did you stay in Kansas ?
A I stayed there part of the time and was part of the time at home

Q When did you come back here to stay here ?
A About a year ago.
Q From March, 1898, up to about a year ago you were in Kansas most of the time ? A In Kansas most of the time, yes sir.
Q Your wife was living at home in the Cherokee Nation ?
A Yes sir.
Q All your folks were here ? A Yes sir, all my interests were in the Cherokee Nation.
Q You have never been separated from your wife ? A No sir, not a day.

By J. C. Starr:

Q You went to Kansas in March, 1898 ?
A As well as I can remember.
Q Mr. Grazier, haven't you been living with an old woman up there in Kansas ? A No sir.
Q Hasn't there been a woman living with you ? A Yes sir.
Q She lived in the same house with you ?
A But not as my wife.
Q In what town in Kansas, have you been living ? A Tyro. But the biggest part of my practice has been in the Cherokee Nation.
Q When did you go to Tyro ? A I don't remember. Somewhere about 1900, I think.
Q Did you rent a house in Tyro ? A Yes sir, an office.
Q Who did you rent it from ? A John Fields. He lives south of Tyro one mile.
Q Did you keep house in Tyro, or board ?
A No sir, I boarded.
Q Who did you board with ? A A woman.
Q What woman ? A Ada Daniels.
Q Did she own the house ? A No sir, rented it.
Q Who else boarded there besides you ?
A No one that I know of.
Q Did this woman Ada Daniels have anyone else around there ?
A No sir.
Q Was she a married woman ? A No sir, she had been married.
Q She was a widow then ? A Yes sir.
Q You were the only boarder that stayed there ? A Yes sir.
Q How long did you stay there ? A Over a year I guess.
Q Who lived near this house in Tyro, Kansas ?
A Jeff Linvart.
Q Who else ? Who else lived near that place ?
A There was a fellow[illegible] forget his other's name, he lives right near. I know his name well, though.
Q You went to Marion, then, where did you go to from Afton ?
A I went to [illegible] Marion, then. I went to Missouri. I went there myself, alone. I will tell you what I went there for; I had an old gentleman claim and went to Missouri to get evidence there to substantiate my case.
Q How long did you stay there ? A About six months, not continually though. I went backwards and forwards home. It was six months before I got the evidence I was seeking.
Q Where did you next go ? A [illegible] Kansas.
Q How long did you stay there ? A I stayed there part time. I went from there to Kansas City.
Q How long did you stay in Kansas City ?
A In these two counties of Wyandotte and [illegible].
Q This woman that was with you at Tyro, was she with you at Kansas City ? A No sir.

Q Where did you go to from Kansas City ? A To Tyro.
Q When was that ? A In 1900.
Q When did you come back to the Cherokee Nation ?
A All the time.
Q After you went to Kansas City ?
A I was there the biggest part of the time; about half the time.
Q When did you come back the last time ?
A Let's see; just before we enrolled in September, I don't remember just when it was, two years ago I guess.
Q You came back to the Cherokee Nation ? A Yes sir. .
Q You went back to Kansas then ? A Yes sir.
Q How long ? A Some of the time, not all the time.
Q Haven't you been spending most of your time in Kansas ?
A No sir. You don't get me to perjure myself; I have been in Kansas, part of the time.
Q What part of Kansas have you been in since 1900 ?
A Several places.
Q Name some of them ? A Tyro, and Morehead.
Q Who was with you at Morehead ? A I was alone there.
Q Who did you live with ? A Mrs. Foley.
Q How long did you stay there ?
A Well I don't know, I wasn't keeping any dates.
Q About when did you go there ? A I can't tell you that exactly Cale, because I didn't pay any attention to the time.
Q Haven't you any idea how long you stayed there ? A No.
Q Where did you go to from there ? A Back to the Cherokee Nation.
Q Mr. Grazier, do you want this Commission to believe that you never separated from your wife while you have been in Kansas ?
A Yes sir, I want them to believe it, and I am going to make them believe it.
Q What was the name of your first wife ?
A Ada Haywood.
Q Where did you marry her ? A In Clay County, Missouri, close to Liberty.
Q What was your post office at the time she died ?
A Liberty.

By the Commission

Q Did your wife ever appear before the Commission as a witness in this case ? A No sir.
Q She never appeared ? A She was sick, she was sick for three months, and she was very low, and didn't get well until the time expired.

R. P. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 16, 1907.

Notary Public.

Muskogee 1-507.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 11, 1905.

In the matter of the application of Jones L. Frazier for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation.

[illegible] the Commission and makes proof of service of notice [illegible] that they would on the 10th day of November, 1905, [illegible] person testify tending to disprove the applicant's right to enrollment as a citizen by intermarriage of the Choctaw Nation. The [illegible] to be returned prior to the 10th day. [illegible] been received on the 11th, was [illegible] ever until this day.

Randolph [illegible], being [illegible] Q: What is your name? A: [illegible]

Q: What is your post office address? A: [illegible]

Q: What is your age? A: [illegible]

Q: Are you a citizen of the Choctaw Nation? A: [illegible]

Q: Are you related to Jones L. Frazier? A: [illegible]

Q: What is your relationship to him? A: [illegible]

Q: Do you know whether or not Jones L. Frazier is now living with a woman by the name of [illegible] as his wife? A: [illegible]

Q: Do you know whether or not Jones L. Frazier has ever been married to any woman other than [illegible]

2-Moses L. Grazier-

this time I don't know what brought [illegible] three or three
months so they told me: I don't know, I never heard [illegible]
Q Hear [illegible] that woman with him.
Q Living with her as his wife? A Yes sir.
Q [illegible] A Yes sir, he never has been married
to her that I know of.
Q [illegible] A [illegible] as I
have heard.
Q These children have been born [illegible]
[illegible] I don't say positively.
Q Well, these children have been born in [illegible]
sir.
Q [illegible] A [illegible]
We would [illegible] some time [illegible]
to Kansas.

[illegible]

Cross-examination:

Q How long [illegible]

Cherokee D-503.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 3, 1902.

In the matter of the application of Moses L. Grazier for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Comes now the Cherokee Nation and makes proof of service of notice upon the applicant, Moses L. Grazier, that they would upon this day offer testimony tending to disprove his right to enrollment as a citizen by intermarriage of the Cherokee Nation.

No appearance of applicant; Cherokee Nation appears by W.W. Hastings.

James H. Mays, being sworn and examined, testified as follows:

W.W.Hastings: What is your name? A James H. Mays.
Q What is your postoffice? A Redmore, I. T., Cherokee Nation, Delaware District.
Q Do you know Moses L. Grazier? A Yes sir.
Q Did you know him in 1896 and '7? A Yes sir.
Q Where did he live in '96 and '7? A I believe in '96 he moved over to Southwest City, Missouri.
Q Who with? A His wife and another woman.
Q Who was this other woman? A She was a white woman.
Q How long did he live over there with her? A They was over there about a year.
Q Did he live with this white woman as his wife? A Yes sir, they lived there in the house together.
Q When did he leave Southwest City, Missouri? A I think the following year, of '97, I think he moved to Afton.
Q Then where did he go? A He took this white woman up in Kansas.
Q In '97? A In the fall of '97.
Q What did he do with his wife when he went off to Kansas in '97?
A He left her here and the children.
Q How far do you live from his wife? A About fifteen miles.
Q Is his wife any kin to your wife? A Yes sir.
Q What relation? A Sister.
Q Where has he been living since '97? A He has been making his home principally up in Kansas.
Q Do you know whether this other white woman is with him or not?
A Every time I would hear from him they were together.
Q Did you ever see him with her? A Yes sir.
Q Where? A October last. I saw them together, he come on a visit to his other wife.
Q How long did he stay? A Just a few days.
Q Has he any children by this last woman, this white woman? A He said he had two and lost two.
Q Four? A Yes sir.
Q Do you know what place in Kansas he has been? A He told me he was up in Kansas City and Cherryvale, Kansas.
Q What did he say he was doing? A He said he had a drug store.
Q At Cherryvale? A Yes sir, said he practiced medicine.
Q Has he lived up there except on occasional visits back here since he left his wife here? A Yes sir, most of the time.
Q Now when you fix the time of Grazier going to Kansas in connection, how did you fix the time of Grazier going to Kansas in 1897? A Well, I was well acquainted with him and I was just talking that he was doing a wrong thing over with that white woman and leaving his other wife.
Q I am talking about how you fix the time he left here and went to Kansas in '97? A I remember the time he was over to Southwest City, Missouri, and moved back. He lived there in '96 and moved back the following fall of '97, and went to Kansas.

Q How long did he stay on his home place after he came back from Southwest City? A Just a short time, a few days.
Q The first time he went to Missouri didn't he go away to look after testimony, after his pension claim - the year he went to Missouri after he came back from Southwest City again didn't he go to look up testimony? A Not that I know of.
Q Did you hear him talking of making proof of his pension claim? A No sir.
Q You never heard of his pension claim? A I heard he had a pension; he was drawing a pension.
Q Did you hear of his going to Kansas City and attending a medical school during the time you say he was up in Kansas? A No sir, I don't know.
Q You don't know whether he went up there or not? A I have his word for it.
Q You heard he was in Kansas City attending medical school? A No sir; I heard he was in Kansas City.
Q Did he say what he was doing? A Practicing medicine in Kansas City.
Q How often did you say he had been back to the territory or Cherokee Nation? A He would come frequently back to his first wife and stay a few days and then go back again.
Q Doesn't his wife live over here in the Cherokee Nation? A Yes sir.
Q And isn't it a fact that he comes over to see her frequently? A Why not very often.
Q Well, how often? A I have known it to be ten months and he never come home.
Q He comes home and then goes there and stays with his wife when he comes there? A Yes sir, stays a few days with his wife and then goes back to the other woman.
Q He and his wife have never had any falling out or separation? A No sir, not that I know of.
Q They still call each other husband and wife and act as husband and wife when they are together don't they? A Yes sir, I guess they do.
Q Isn't it a fact that he and his wife have never separated and he is simply keeping a woman on the side like a good many men and think they cannot be handled by the law; isn't that a fact? A He is keeping this one.
Q Isn't it a fact that his wife knows that he is keeping this woman on the side and still allows him to come home and live at her husband, isn't that a fact? A Why they were both there on the first of October.
Q He brings her to the house? A Yes sir, they were both there.
Q And his wife permits it? A I didn't see any hardness; they got along.
Q And he was keeping both women at the same time and his legal wife makes no objection to it? A I never heard her say a word for it or against it.
Q But you do know he has brought the other woman there and kept her a few days at a time with his wife in the same house? A Yes sir.
Q Where has this man Brazier been for the last year? A He has been up in Kansas.
Q How much of the time has he been in Kansas during the last year? A He has been there pretty much all the time.
Q How much of the time for the last year has he spent in the Cherokee Nation or Indian Territory? A I couldn't state positively how many days, you comstly, because we live fifteen miles apart.
Q Isn't it a fact that he might come there to his place and you never know anything about it? A Yes sir.
Q So there a few days and you not know anything about it, and the only way you know of his being there would be to hear some one else say so? A Why his children come to me and we all know well as

Q About the extent of your information in regard to his coming back home there is hear say, what you get from your children? A They tell our children.
Q You haven't testified to these facts of your knowledge have you, most of them? A I am satisfied he is keeping that woman.
Q I am asking if you know it of your own knowledge about his coming back here to his wife, how often he comes? A No, I couldn't state positively.
Q You don't want to be understood as swearing that you can tell and do know every time that he has come back to see his wife in the last four years? A No sir, I couldn't state that.
Q And your information how many times he has been back to the Cherokee Nation is derived from what his children have told you? A We go up there and visit once in a while and we don't find him there.
Q How often do you visit there? A Some times twice a year and some times three imes.
Q You don't know how many times to your knowledge between the times you had been there at his house visiting that Grazier has been back there do you? A No sir, I couldn't state positively.
Q And you never heard his wife say that she and Mr. Grazier had separated? A N o sir, never heard her say either way.
Q But you know he has brought the other woman there and kept both women there in the same house? A Yes sir.
W.W.Hastings: He told you he was living with this other woman? A Yes sir.
Q And said he had children by her? A Yes sir, he said they were his, and said he would live with her as long as he lives.
Q You know he said he was living in Cherryvale and with this woman? A Yes sir, told me himself.
Q And said he had a drug store? A Yes sir.
Q You made inquiries because he was your brother-in-law about his residence, etc.? A Yes sir.
Q You heard it through the family as well as yourself? A Yes sir.

Susan Mays, being sworn and examined, testified as follows:
W.W.Hastings: What is your name? A Susan Mays.
Q Are you the wife of James H. Mays? A Yes sir.
Q Do you know Moses L. Grazier? A Yes sir.
Q Do you know his wife? A Yes sir.
Q What kin is his wife to you? A She is my sister.
Q Where is Moses L. Grazier now? A They told me they were going up in Kansas when they left.
Q Do you know with whom he is living up there? A He is living with that woman he has had there.
Q Is she a white woman or Cherokee? A She is a white woman.
Q Has he any children by her? A Yes sir.
Q Do you know what place in Kansas they are living? A No sir, she said they live in Kansas; I never asked her what part.
Q Do you know how long they had been living together? A I guess they have been living together off and on about six years. Their oldest child is six years old.
Q Do you know how long they have been living in Kansas? A They have been up there most of the time I think.
Q Do you know what year they went up there? A No sir, I don't.
Q Do you know what he is doing up there? A She said they had a drug store up there.
Q She said that? A That woman.
Q The woman he had with him? A Yes sir.

Commission: You say his wife is your sister? A Yes sir.
Q He comes back to see her frequently? A He comes back and stays a week or two sometimes and sometimes not so long.
Q Your sister and him still live together when he is there as husband and wife don't they? A I suppose they do, yes sir.
Q They never have had any separation that you know of? A No sir, not that I know of; he only brings that woman in there.
Q Has your sister any children? A Yes sir, six.
Q And he and these children stay there on the farm? A Yes sir.
Q They keep house there? A Yes sir.
Q And Mr. Grazier is a physician is he not? A He claims to be, yes sir.
Q And he claims to be practicing medicine? A Yes sir.
Q And your sister and children stay there on the farm? A Yes sir.
Q He comes back there how often? A Sometimes he stays away two or three months before he comes back.
Q You never heard of any difficulty between he and his wife? A She said she couldn't help the way he was doing brigning that other woman in there.
Q She didn't object? A She said she couldn't do anything; she had talked to him but she couldnt help it; she didn't like it.
Q She knows that he keeps that other woman? A Yes sir.
Q And when he is away from her that he and that woman are together? A Yes sir.
Q And yet she still lives with him and allows him to come home there? A Yes sir.
W.W.Hastings: He is no doctor? A Not that I know of.
Q He never practiced in that country? A No sir.
Q How long had you known him before he took up with that woman? A Nineteen years.
Q And had never practiced during that time? A No sir; And she said she didn't know whether he would come back or not.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of December, 1913.

Cher
Supp'l to D 503

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 2, 1903.

In the matter of the application of MOSES L. GRAZIER, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

Appearances:
Applicant present in person,
W. W. Hastings, for the Cherokee Nation.

MARTHA GRAZIER, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Martha Grazier.
Q How old are you ? A I reckon I am about forty nine.
Q What is your post office ? A Narcissa.
Q Are you the wife of Moses L. Grazier ? A Yes sir.
Q You are a Cherokee by blood are you ? A Yes sir.
Q How much Cherokee blood do you have ? A I don't know.
Q About how much, half-breed are you ? A Yes sir, I reckon I am a half-breed.
Q When were you married to Mr. Grazier ? A In 1880 I reckon.
Q About how many years ago is it ?
A Why about twenty three years ago.
Q Are you his first wife ? A Yes sir.
Q Is he your first husband ? A Yes sir.
Q You were never married before ? A No sir.
Q Who married you ? A Jeff McGee.
Q Married under a Cherokee marriage license were you ?
A Yes sir.
Q Where were you married ? A At Jeff McGee's house, over on Cowskin prairie.
Q Where did you go to keep house them ? A Why we were living down here close to Muche.
Q What was your husband doing at that time ? A Farming
Q Did he have a farm on Cowskin prairie there ? A No sir
Q Where was his farm ? A Down here close to Muche.
Q And you went on your farm did you, the farm belonged to you did it ? A Yes sir.
Q And you went to keep house there on that farm ? A Yes sir, I guess so
Q Why do you say you guess so, don't you know where you went to live after you got married ? A Why we I had a place over on Grand River and we lived there a while
Q Did you go there as soon as you were married ? A No sir,
Q Where did you go after you were married ?
A Went to Bernard on my uncle's place
Q Did your husband go with you ? A Yes sir
Q What did you do there, farm ? A Yes sir
Q On your uncle's place ? A Yes sir
Q Mr. Grazier worked on the farm ? A Yes sir
Q How long did you stay there ? A I don't know just how long
Q Several years or how long, don't you know how long you lived there ? A No sir.
Q Did Mr. Grazier stay there all the time and work on the farm ?
A Yes sir
Q Then where did you go after you left there ?
A Got a home down to Muche close to where my mother lived
Q What did you do there, farm again ? A Yes sir
Q Was that your farm ? A Yes sir
Q Stayed there sometime did you ? A Yes sir.

Q Did Mr. Grazier farm there ? A Yes sir.
Q All the time you were there he farmed ? A Yes sir.
Q Then where did you go after leaving there ?
A Why I don't know where-all, I been a good many places.
Q Your husband been with you all the time ? A Yes sir.
Q Lived with you all the time ? A Yes sir.
Q Never left you at all ? A No sir.
Q Never went away from home ? A No, not away from home very long at a time, he goes off like other men does to practice medicine.
Q Was he a doctor when you married him ? A Why he didn't doctor any then.
Q He didn't ? A No sir.
Q When did he become a doctor ? A He doctored among the home folks.
Q At the time you married him ? A Yes sir.
Q Did he go off to school to study medicine ? A No sir; he went to school but he come home I guess.
Q But while he was living with you he never went off to college ?
A No sir.
Q Didn't he go up to Kansas to practice ? A Yes sir.
Q He was away from home then wasn't he ? A Yes sir, I said he was away from home part of the time.
Q How long a time would he be gone ? A A week or two at a time.
Q He would never be gone away from home for more than a week or two at a time ? A He probably went three weeks at a time.
Q But not more than that ? A No sir.
Q He never left you at all did he ? A No sir, he never left me.
Q Did he write to you when he was gone ? A Yes sir.
Q Did you ever complain about his going away ? A No sir.
Q Never at any time ? A No sir.
Q You never regarded that he had left you or intended to leave you at all ? A No sir, he never left me.
Q Has your husband always supported you ? A Yes sir, always will I reckon as long as he lives
Q How many children have you ? A I have six
Q By Mr. Grazier ? A Yes sir.
Q How old is the youngest one ? A She's six years old I guess.
Q Do you know whether Mr. Grazier ever lived with any other woman besides you ? A No, I don't know anything about his business what he does when he is off from me.
Q Did you ever hear that he did ? A Well I have heard just as much as anybody, there has been talk of that kind I suppose
Q You say you have heard that ? A Yes sir
Q More than once ? A Yes sir
Q Did you ever talk to your husband about it ? A No sir
Q Never did ? A No sir.
Q And he never talked to you about it ? A No sir
Q Did you ever have any talk with your husband about enrolling ?
A No sir
Q You applied for his enrollment did you ? A Yes sir
Q Did you have any talk with him about that ? A No sir
Q None ? A No sir
Q Did you have any talk with him before you came down here today about what you would testify to ? A No sir
Q You have never talked to him about it at all ?
A I don't know what we have talked about I reckon I talked about what I pleased
Q Well did you talk about this matter ? A No I didn't talked about it
Q To your husband I mean ? A No sir
Q You know that there have been some charges that your husband left you and lived with another woman, you know that don't you ?
A Why that's what I heard, I don't know anything about it
Q Well did you never talk with your husband about that ? A No
Q Never at any time ? No response

Q What ? A No sir.
Q You are quite certain that you and your husband have never talked about this matter ? A Why I don't know; I don't know what we have talked about.
Q I am asking you if you have ever talked about this matter ?
A Why yes, I guess I have.
Q Did he ever tell you what to say if you were ever called before the Commission ? A No sir.
Q What you are telling now is of your own free will ?
A Yes sir.
Q And you say that within twenty three years your husband was never away from home for more than three weeks at a time ? A No sir.
Q He never was, was he; is that what you mean ?
A Yes sir.
Q And that you have heard that he was living with another woman and have heard it several times, and never talked to him about it ?
A I told you I don't know what we talked about, that's our business what we talk about I guess.
Q Yes, but it is the Commission's business too. I want you to say Mrs. Grasier whether you and your husband have ever talked about this matter that he is charged with, or not ?
A I told you I guess we have.
Q You did talk to him then about his living with another woman ?
A No, not about that.
Q Never talked about that ? A No sir.
Q And he never talked with you about it ? A No sir.
Q Well did you have any talk before coming here today about what you would say in answer to questions put to you ?
A No, I knowed what I would have to answer.
Q Did you know what you would be asked about ? A Yes sir, I knowed I would be called up to answer if he had left me, I heard that the complaint was that he left me; he never did leave me; of course he was off from home some, but he never left me.
Q What was he off from home doing ? A I told you a while ago he was practicing medicine.
Q Up in Kansas ? A Yes sir.
Q He would write to you while he was gone ? A Yes sir
Q Never had any trouble or words ? A No sir
Q Always been living together for twenty three years as husband and wife ? A Yes sir
Q And never had any trouble at all ? A No sir
Q You have testified before the Commission already about this ?
A Yes sir
Q How did you know what you would be examined about today ?
A We got the letter
Q How did you say you knew this Mrs. Grasier ? A By letters
Q What letters ? A I got a letter from Muskogee, I supposed Mr Hastings here wrote it
Q When was that Mrs. Grasier ? A I don t remember just what time it was I got that
Q Did you read the letter ? A Yes sir
Q Do you remember what the letter said ?
A No sir, I don't remember any more what it said
Q But you knew from that letter that you were going to be examined as to the alleged separation between you and your husband ?
A Well yes sir, I thought I could prove that he hadn t left me
Q Well how much of the time has your husband been farming and how much of the time practicing medicine since you were married ?
A Why I don t know
Q Has he practiced medicine a good deal ? A Yes sir
Q A good many years ? A Yes sir
Q Mostly up in Kansas or in the Cherokee Nation ?
A Why he is at home most of the time
Q What do you call home ? A At my home in the Cherokee Nation

Q At Narcissa ? A Yes sir.
Q How long have you lived there ? A I have lived there about two years I guess, on that place where we are now.
Q When was the last time your husband was away from home practicing medicine ? A Along this last winter.
Q How long was he gone then ? A I told you he was gone a couple of weeks.
Q Have your children always been at home with you ? A Yes sir.
Q How did you come to make application for your husband, wasn't he there with you at the time ? A Yes, he was here with me.
Q How did it come that he didn't make application; you were the one that made the application ? How was it that you came to make application for your husband and you were both there at the time ?
(No response)
Q What do you say ? You applied for your husband, yourself and your children ? A Yes sir.
Q How did you come to do it, if your husband was there with you, why didn't you let him do it ? A I don't know.
Q Did he ask you to do it ? A No sir, just sitting where a table was like this, and one woman got up, and I set in the seat there when she got up, and I enrolled my children and myself.
Q Your husband didn't ask you to make application ?
A No sir, I came here for that purpose, to enroll myself and my children.
Q You were before the Commission after they enrolled you and testified about this matter ? A No sir.
Q This is the third time, isn't it, that you have been before the Commission ? A No sir, I guess not, I don't know.
Q Weren't you before the Commission last year ?
A I was before the grand jury once, that's all I know about it.
Q Weren't you before the Commission down at Muskogee ?
A No sir, I wasn't down at Muskogee at all.

Examined by Mr. Hastings

Q How far do you live from Vinita, Mrs. Grazier ?
A I reckon its about thirty miles. About twenty or twenty five miles I guess.
Q How far do you live from the railroad ? A About two miles.
Q That's near where old Fairland is ? A I guess that's yonder side of Fairland.
Q Did Mr. Grazier come down here with you this morning ?
A Yes sir.
Q How long---did he stay at your house last night ?
A Yes sir
Q How long has he been there this last time ?
A About a month
Q Where did he come from when he came there Mrs. Grazier ?
A Kansas, I guess
Q Now Mrs. Grazier, you know he has another woman up there by whom he has several children, don't you ?
A Why I don't know nothing about it
Q Why he had that woman at your house ? A Why yes, there was a woman at my house
Q He brought her there didn't he ? A Yes sir
Q She has some children ? A Yes, she had one
Q She has had more, hasn't she, than one child ?
A I don't know, I suppose so
Q Well, haven't you heard it ? A Yes sir
Q Alot it generally and commonly known that he has had more than one child by this woman ? A Why I don't know who knows
Q Isn't that generally known throughout the country ?
A Yes sir, I guess that's the talk
Q It has been talked since the Cherokee payment hasn't it ?
A Yes sir

Q He lived with her over there at Southwest City ?
A No sir, notthat I know of.
Q Didn't he live away from you a while when she was over there ?
A No sir, he was at home.
Q Now how long has he been up in Kansas, more or less, how many years ? A I don't know, a good many years.
Q A good many years ? A Yes sir.
Q Now you know, and it is commonly known that he is living with this woman up there aint it, you have heard that all the time, haven't you ? A Yes sir, I have heard it. I don't want to know all the facts in the case.
Q You have come here to testify and I want to get you on record. Now he was at your place this last week ? A Yes sir.
Q Now when he came to your place he came from up there in Kansas, didn't he ? A Yes sir.
Q He came from where you heard he had been up there with this woman up there ? A Why I don't know whereabouts, but he was from Kansas.
Q Now how long had he been in Kansas, isn't it a fact that he has been in Kansas all this past winter and only comes now and then to see you ? A Yes sir, he comes home to see the children and myself, why he has never left me.
Q How long would he stay at your place when he would come by there ?
A Why he would stay until he gets ready to go again.
Q Yes, I know that; but about how long would he stay ?
A He would stay a good while, until he would get ready to go.
Q How many times has he brought this woman to your house ?
A Why I don't know, a good many times I guess.
Q Has he brought her there a dozen times ? A Well I expect.
Q He would go off with her ? A Yes sir.
Q He would bring her there in a buggy or a wagon, in some conveyance, they would come there together, and go together ?
A Yes sir.
Q And isn't it a fact that he has been living with this woman practically since the Cherokee payment, most of the time ?
A I don't know what he has been doing up there, he has been up in the State.
Q Hasn't that been your information ? A Why I expect so.
Q Well now, say before a month ago when he came from Kansas down to your house, how long had he been in Kansas, from, say up to the first of March ? A Why he took sick up there and he didn't get back for three weeks or more
Q Now isn't it a fact that he has been in Kansas all of last year ?
A Well I reckon
Q You know he has been in Kansas all of last year ?
A Yes sir, he has been in Kansas a good many times
Q Hasn't he been there practically all the time for the past four years ? A I don't know
Q Isn't it a fact that when he come to your house he would come and stay all night maybe and maybe one day and go on ?
A No sir, he would stay a while, that aint the way he done
Q How long did he stay there last February ? A Well I don't know
Q Pretty near every time he has been coming to your house more since this enrollment question come up than he has been coming before, hasn't he ? A No sir, I don't see any difference in it
Q Don't you know, Mrs Frazier, that he has been living up there in Kansas with a woman, and that he don't come to your house only now and then, and comes through the country and stays a day or two, and brings this woman with him, and when he goes away he takes this woman off with him ? A Well where did you get that news ?
Q I am asking you ? A Well, I will ask you
Q You are under oath

The Commission: Answer the question Mrs. Grasier.

A Why no, he never come there to stay all night and go off again, that's not true.
Q Where did he make a crop last year, 1902, did he make one on your place ? A Why yes, he has got boys there to work.
Q I am asking you did he himself.
A No, he don't work any.
Q He was off up in Kansas with this woman ? A Why he was up there, I don't know anything about this woman.
Q Can you show a single letter he ever wrote you ? A Sir ?
Q Did he ever write you a single letter ? A Why I don't know.
Q You don't evenn know his post office up there, do you ?
A I suppose I do.
Q Well what was it ? A I don't remember.
Q He never wrote you a single letter from Kansas, did he ?
A Why he writes, of course he has.
Q Did he ever write one to you ? A He writes all the time when he is away.
Q Well, when did he ever write one to you ?
A He wrote one the last time he was off.
Q Where from ? A (No response)
Q Where from ? A I don't know; somewhere in Kansas.
Q When was he at your house the last time with this other woman ?
A Along last summer I guess.
Q Did he have her there this last winter ?
A I don't know whether he did or not.
Q Is she up there now at your place ? A Well, yes, she is up there.
Q She is up there now ? A Yes sir.
Q He brought her down there too didn't he ?
A No sir, she come herself.
Q Well, he sent for her ? A I don't know nothing about that.
Q When did she come ? A I can't tell you the day when she come
Q About how long ago, a week or ten days ? A Yes sir.
Q How long after he came this last time ?
A On about a week or two.
Q How many children has she now ? A She has two
Q How old is the oldest one ? A She's about six years old now
Q He recognises those children as his children don't he ?
A Why I don't know.
Q Don't you know now Mrs. Grasier that he has recognised these children as his children ? A I guess so
Q And you know he treats that woman as his wife don't you ?
A No, it ain't his wife, he has never been married to her, but how many men do live in that kind of style
Q About how many years ago was it that he first went to Kansas ?
A Why I don't know just when it has been.
Q You don't remember when it's been ? A No sir
Q He told you to come down here this morning, this man Grasier ?
A No sir, he didn't tell me to come, I come to file for my children.
Q To file for your children ? A Yes sir
Q He told you what he wanted you to swear didn't he ? A No
Q How did you know what you were going to say ?
A Your letter called for testimony in that case, you know, that he had left me
Q You don't regard that as leaving you when he is up there for six years in Kansas with another woman and having children by her ?
A No he has not left me, I thought when a man left a woman he left her with a house full of children and never provided anything
Q How much money did he send you last year ?
A He sends money when he don't come, and leaves no money when he goes off

Q How much money did he give you last year ? A I don't know.
Q Tell me one time when he ever sent you a dollar, when he ever sent you any money ? A Why he sent me money all the time when he is gone, and when he goes off he leaves me money.
Q How much money did he send you last year ? (No response)
Q He never sent me any money last year? A Yes sir.
Q When did he ever give you any money ? A Why he gives me money every time he goes away, and when he don't come he sends me money.
Q When did he ever send you any money ?
A This last time he was gone.
Q Well, how long ago ? A Its been about a month ago I reckon
Q How much did he send you ? A About $15.00
Q How much did he send you ? A About $15.00
Q Did he send it by letter ? A Yes sir.
Q You don't know where from ? A No, I don't remember.
Q You don't know the post office at all ? A No sir.
Q When did he ever send you any more ?
A Why he has been home ever since. After he sent me that money he come home in a few days.
Q How long after he sent you that money before he came ?
A Not very long, I don't remember
Q Two or three days ? A I reckon.
Q Well, the fact is, he brought it with him, didn't he ?
A Sir ?
Q Didn't he bring the money with him when he came ?
A Yes sir, he brough' some and sent me some before he come I said.

M. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof

Subscribed and sworn to before me this July 23, 1903

Notary Public

At this point the reporting of the testimony was continued by Jesse O. Carr .

By the Commission:-

Q. This letter, Mrs. Grazier, that was written to your husband, notified him that further evidence would be necessary touching the question of his abandonment of his wife. Do you know what abandonment means?

A. I guess it means when he has left.

Q. That is what you think it means?

A. I think so.

Q. Because your husband hasn't left you alone all the time you think he hasn't abandoned you, as long as he gives you some money?

A. If he provides for us all the time.

Q. If he lives with this other woman as much as you he hasn't left you?

A. No, he hasn't left

Q. As long as he goes to see this other woman and then comes to see you and gives you money, that isn't abandonment?

A. No, sir. He provides for me all the time.

Q. When he brough this other woman to your house the first time did you ask him who that was?

A. No, sir.

Q. Who did he say it was?

A. He never said who she was.

Q. You knew that it was the owman your husband was living with?

A. No, I didn't know he was living with her. He didn't say she was. I knew who it was, though.

Q. Did you know then that your husband was living with her up in Kansas?

A. I didn't know what he was doing up there.

Q. You didn't know what he was doing up there?

A. Oh, yes, I knew he was practicing medicine.

Q. You found out since he was living with this woman?

A. I never inquired into it. I never tried to find out.

Q. Was he lived with this woman as much as you?

A. I don't know.

Q. He treats her as his wife, just as he treats you, and supports her?

A. I don't know nothing about what he does.

Q. He has children by her?

A. I don't know whether they are his children or whose they are

Q. He admits they are his children?

A. I don't know.

Q. Doesn't he acknowledge the children?

A. I don't know what he says about that.

Q. Didn't he ever say anything to you about that?

A. No.

Q. You never said anything to him?

A. No.

Q. Do you know as a matter of fact that the children are his?

A. No, I don't know anything about that

Q. What is your opinion about it?

A. I couldn't say. I don't know.

Q. How many children did you say this woman had?

A. She has got two.

Q. How old are they?

A. They are 8 years old, I think

Q. The oldest one?

A. I think

Q. How often has this woman come to your home with your husband?

A. I don't know

Q. A great many times?
A. Yes, sir.
Q. Did he have the children along sometimes?
A. Yes, sir.
Q. Then he goes off with her again?
A. Yes, sir.
Q. Now, when they came in your house, this woman and her childre, with your husband, how long did they stay there with you?
A. Why, I don't know. I never noticed now long they stayed.
Q. Did they stay over night?
A. I don't know. Longer than that I guess.
Q. More than one night?
A. Yes, sir.
Q. Stayed a week at a time?
A. I guess so.
Q. More than that?
A. I guess they do.
Q. Stayed several weeks, probably?
A. Yes, sir.
Q. And when your husband goes off she goes off with him?
A. Yes, sir.
Q. Then he would be gone may be 2 or 3 weeks?
A. Yes, I guess so.
Q. And then he came back with her?
A. No.
Q. He comes alone, does he?
A. Yes, sir; he most always comes alone.
Q. How long would he stay, 2 or 3 weeks?
A. As long as he wants to.
Q. You say you and your husband have never talked about this matter? His relations with this woman?
A. No, sir.
Q. You never found it strange that he was living with another woman?
A. No. I am all right. He left my children with me. My children stays with me. They are all about grown.
Q. All you desire to testify to is that your husband never left you alone for any length of time and supports you?
A. Yes, that is all I thought I had to testify to and I knowed I could do that. I don't know who got up that kind of doings unless it is Randolph.

Homer Frazier, being duly sworn, testified as follows

Examination by the Commission.

Q. State your name?
A. Homer Frazier
Q. How old are you?
A. 19
Q. What is your post office?
A. Hartsem
Q. Are you the son of Reese Frazier?
A. Yes, sir
Q. Martha Frazier is your mother?
A. Yes, sir
Q. Have you ever testified in this case before?
A. No
Q. Where were your father and mother living when you first remember?
A. On Grand River, I guess

Q. On a farm?
A. Yes, sir.
Q. You say you are 19 years old?
A. Yes, sir.
Q. Now, you can remember back to the time you were about 5 or 6?
A. I never kept track to see how long I can remember back.
Q. You remember back at the time you were 9 years old?
A. I guess I do.
Q. How much of the time have your father and mother lived together during the last 10 years?
A. I never kept track. They lived together all the time, so far as that is concerned, except when he would go off for a night or two.
Q. Have you been home all the time?
A. Yes, sir.
Q. Working on the farm?
A. Yes, sir.
Q. You say your father has been there except that he would be away?
A. Yes, sir. A night or two or something like that.
Q. How long has he been away the longest time?
A. I never counted up to see.
Q. Would it be two days, two weeks or two months?
A. He has been away several times 2 or 3 days.
Q. Has he been away longer than that?
A. Yes, been away a week. I never kept track of it.
Q. You have an idea whether it was a week or month?
A. Yes, sir.
Q. What is your best judgment?
A. I didn't keep track of it.
Q. I am asking your judgment. You can say whether it was a week or a month?
A. I didn't say.
Q. I am asking you to say. Do you intend to answer that question?
A. No, sir.
Q. Why won't you?
A. I don't care to answer it.
Q. Will you answer it?
A. I will.
Q. Answer it.
A. He has been gone a week.
Q. I am asking if he has been away more than a week at one time?
A. I don't know whether he has or not
Q. Would you say he had been gone a month at a time?
A. No, I wouldn't say that I never did keep track of it
Q. Your answer is you don't know how long he has been gone?
A. Not exactly. I didn't keep track
Q. What do you mean by not exactly?
A. I mean not to the day or hour
Q. I am asking whether he was gone a week, whether 2 weeks, or 3 weeks of a month.
A. Why, he has been gone 2 weeks, I guess
Q. Where was he during the time he was gone?
A. I don't know anything about it I didn't follow him.
Q. Did your mother know where he was?
A. I don't know that either
Q. Did you father ever write home?
A. I suppose he did
Q. Don you know whether he did or not?
A. I don't know
Q. Did he ever write to you?
A. No. Yes, he did, too
Q. He wrote you?
A. He wrote me once

Q. Where was he then?
A. He was in Elk City.
Q. Elk City, Kansas?
A. Yes, sir.
Q. What was he doing there, do you know?
A. I don't know. I didn't ask him. He said he was practicing medicine. I suppose he was.
Q. How long ago was that, that he wrote you?
A. It has been a year.
Q. That is the first time he ever wrote you while he was gone; that is the only time?
A. That I remember of.
Q. How far do you live from the post office?
A. I live about 3 miles.
Q. You would go for the mail occasionally, would you?
A. Yes, sir.
Q. Do you know whether your mother ever got any letter from your father?
A. I couldn't tell you anything about that.
Q. You couldn't say as to that?
A. No, sir, I don't know anything about that.
Q. You go for the mail?
A. Yes, I went after the mail.
Q. Don't you know whether your mother got any letters?
A. She got some. I don't know who from. I didn't come up here to answer all kinds of questions. I came up to answer whether he supported her or not.
Q. You will answer any question put to you. I am asking whether your mother got any letters from your father while he was gone.
A. I don't know anything about that.
Q. Can your mother read and write?
A. I suppose she can.
Q. Well, do you know?
A. She can read but she can't write very good, I don't think
Q. Does she ever write letters?
A. No, sir.
Q. She can read a letter?
A. Yes, sir.
Q. Did she ever read any letters to you that your father sent while he was gone?
A. No, sir.
Q. Now, you say in your best judgment the longest time your father was away from home was about two weeks?
A. I never paid any attention to it
Q. He would be gone quite often, wouldn't he?
A. Why, not so very often
Q. About how often in the course of a year would he be gone?
A. About 3 or 4 times.
Q. Did you ever see any woman at your mother's house who came there with your father?
A. I saw a woman there, yes, sir
Q. What was her name?
A. I don't know anything about it
Q. Did she have some children?
A. I don't know anything about that
Q. Did you ever see any children there with the woman?
A. There ain't no use of you asking me all them questions.
Q. I am asking them nevertheless.
A. I ain't going to answer very many of them
Q. Did your father ever bring a woman down to his home with some children to visit there?
A. I don't know anything about that. I couldn't swear he brought her there or anything of that kind. I ain't going to, more

Q. You saw some there, visiting there a week or more at a time?
A. I never kept track of it.
Q. She did visit there?
A. How do you know. Did you see her there. You seem to know everything about it.
Q. Now, Mr. Grazier, if you don't answer the questions properly I will report you to the United States court. I am asking you to state whether you saw any woman, during the past 5 or 6 years, come to your mother's house at the time your father returned and stay there a week or more at a time. Now answer that question yes or no.
A. I guess so.
Q. When that woman went away wouldn't your father go?
A. I don't know anything about it.
Q. Didn't they leave the house at the same time?
A. I don't know that either.
Q. You didn't know when this woman went away?
A. No, sir.
Q. You don't know if she ever went away?
A. Yes, she isn't there now.
Q. She isn't there now?
A. No, sir
Q. Who is there besides your mother.
A. No one only myxxxxx wife.
Q. How long has this been, she was there?
A. I don't know.
Q. Was she been there within the past year?
A. Once, I think.
Q. How long did she stay there?
A. 2 or 3 days.
Q. Was she came there with your father when he came from Kansas?
A. I don't know anything about that. I wasn't there when he came.
Q. You didn't know whether she came when your father came and went when he went away?
A. No, sir.
Q. You don't know but what she might have come with him and gone back with him?
A. I don't know anything about it.
Q. Did you and your father have any talk about this woman?
A. He said he never talked about it.
Q. Did you and your father ever talk about this case?
A. No, sir.
Q. At any time?
A. No, sir. Only he told me yesterday when he got the letter.
Q. What he had to come here?
A. Yes sir.
Q. About how long did he talk to you about the case?
A. Never talked to me about it any
Q. How did it happen to be here?
A. How did I happen to be here. I came in a buggy.
Q. Who asked you to come?
A. I came to file on my land
Q. How happened to meet your father and mother here?
A. [illegible] We live on the same place.
Q. Your father asked you to testify in this case?
A. He said he wanted me as a witness
Q. [illegible] he told you what you would have to testify to?
A. I told him I didn't know anything about it.
Q. Your father told you what you would have to testify to?
A. No, sir.
Q. What makes you so reluctant to answer these questions?
A. Nothing, only I think it is all foolishness
Q. Why do you?
A. Because the question is whether they are separated.

Q. How do you know.
A. Because I read the letter.
Q. I thought you said you didn't know anything about the case?
A. I don't know, only from the letter.
Q. What did the letter say?
A. That he had abandoned his Indian wife.
Q. Do you know what abandonment means?
A. I suppose I do.
Q. What does it mean?
A. It means to leave, I guess.
Q. Do you know whether your father has been living with this other woman?
A. I know nothing about it at all.
Q. Did your father and you talk about this case when you were out in the hall?
A. No, sir; nothing about the case at all.
Q. Nothing about what your testimony would be?
A. No, sir.
Q. The case wasn't mentioned at all?
A. No, sir. He was out there walking around, I was right there by the window.

Examination by Mr. Hastings.

Q. How far do you live from your mother's?
A. I live right close, about 10 steps from the other house.
Q. In the same yard?
A. Yes, sir.
Q. Isn't this other woman, that your fathers has been keeping, up there now?
A. Up there now?
Q. Wasn't she this morning, when you left?
A. I don't know anything about it.
Q. You know whether she was there or not?
A. I don't know anything about it.
Q. Was she there last night?
A. I don't know that, either. I stayed in my houses and they stayed in theirs.
Q. How many rooms have they got in their house?
A. They have got two, I guess.
Q. You know, don't you?
A. Yes. Got two
Q. Wasn't this other woman there yesterday?
A. I don't know. I wasn't there yesterday.
Q. What time did you come back yesterday?
A. I come along about dark.
Q. Were you over to their house last night?
A. No, sir.
Q. Did you see this woman at all yesterday?
A. No, sir
Q. Where were you day before yesterday?
A. Day before yesterday. Let me see. I was in Wood day before yesterday, but yesterday I was looking after the place I was buying
Q. Within the last few days have you seen this other woman?
A. No, sir, I haven't
Q. You don't know whether she is up there?
A. No, sir
Q. You didn't see her around by there. Have you been here about that place at this the last week
A. I told you I hadn't been at home for the last week.
Q. Well, have you seen her?
A. No, I said.

At this point the witness refuses to testify and leaves the room.

Witness returns to witness stand and the examination is continued as follows:

BY THE COMMISSION:

If you will answer the questions put to you there will be no trouble. If you don't, there will.

A. I ain't afraid about the trouble at all.

Examination by Mr. Hastings.

Q. What I object to is you evade by saying something else. I am asking if you saw this woman, whom your father is reputed to be living with, and by whom he is said to have some children, about your mother's place? Have you seen her?

A. Yes, I have seen her.

Q. When was the last time?

A. It has been sometime along last winter.

Q. So far as you know, so far as your information is concerned, she hasn't been about there this last week?

A. Not that I noticed, no.

Q. How many times has this woman been at your mother's place?

A. I don't know.

Q. About how many times, according to your best judgment?

A. I suppose half a dozen times. I don't know exactly.

Q. With whom did she come?

A. I don't know.

Q. Were you ever there when she came?

A. No, sir, I never just happened to be there.

Q. You would always see your father in connection with her?

A. Why, he was there. I couldn't swear he brought her there.

Q. When you saw her there he would be there?

A. Why, he was there other times, too.

Q. You wouldn't see her there unless he was there?

A. No, sir.

Q. How many children has she?

A. She has one, if I am not mistaken.

Q. About how old is it?

A. I don't know, I am sure.

Q. Has [illegible] your father been at home this last time?

A. No, I don't know.

Q. About how long?

A. I don't remember when he came home.

Q. Your best judgment?

A. I ain't been home myself, I reckon two weeks. I been down here at Afton. I been out there for the last two weeks. I don't know just when he came home, he was there when I left home, he was there when I came back.

Q. When did you leave home?

A. I came away along in February, I believe it was. Yes, February [illegible] along about the middle of January.

Q. Now, as a matter, there is a fact that your father is reputed and generally believed to be living with this woman as is known?

A. I don't know, sir.

Q. Do you know that it is the common report throughout the country that he has some children by her?

A. I don't know, sir. I never heard it. There was never any talk of that kind to me.

Q. Isn't it a fact that in the past two years a great deal of the time has been spent away from home?

A. No, sir.

Q. Isn't it a fact that he isn't up there only as he comes and goes, and that he stayed in Kansas?

A. No, sir. He stayed at home more than he was gone.

Q. He had no business. You say he was practicing medicine up in Kansas?

A. I suppose so. I have got his word for it.

Q. Has he a drug store up there?

A. I don't know.

Q. Did you ever hear him say?

A. Yes, sir. He did have one. I don't know whether he has it up there now.

Q. Did he say he did have one?

A. I don't know anything about it. I never asked.

Q. What is this woman's name?

A. I don't know.

Q. Did you ever hear it?

A. No, sir; never heard her name called in my life.

Q. Didn't you see her there at your house?

A. I have seen her there. I don't know her name, never asked it.

Q. She stayed there weeks at a time?

A. No, not weeks.

Q. How long did she stay there?

A. 6 or 7 days.

Q. She came with your father and both disappeared together?

A. I don't know.

Q. About the time time. When one left then both were gone.

A. Yes, sir. I don't know how they went. I wasn't there.

Q. Do you know a Mrs. Foley?

A. No, sir.

Q. Did you ever hear this woman called that?

A. Never heard her name at all.

Q. Do you think a woman could come up there, within 10 feet of your house, and stay there a week and you not hear her name?

A. They could come up in the same house and I wouldn't know it. I never make a practice of asking anybody's name.

Jesse C. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse C. Carr

Subscribed and sworn to before me this 4th day of November, 1903.

Notary Public.

Cherokee D 503.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Moses L. Grazier as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on October 3, 1900 Martha Grazier appeared before the Commission at Vinita, Indian Territory and made application for the enrollment, among others, of her husband, Moses L.Grazier, as a citizen by intermarriage of the Cherokee Nation. Moses L.Grazier also appeared at the same time and place and testified in his own behalf. Further proceedings were had in the matter of this application at Muskogee, Indian Territory on February 28, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Moses L.Grazier was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on June 7, 1880, to Martha Ballard, a citizen by blood of the Cherokee Nation. Moses L.Grazier is identified on the Cherokee Census Roll of 1896. Testimony was introduced in this case for the purpose of showing that Moses L.Grazier had abandoned his wife, Martha, but such evidence is not considered sufficient to establish abandonment. ~~or to over-come the~~ testimony of the said Moses L.Grazier and his wife, Martha Grazier.

The evidence further shows that Martha Grazier has resided in the Cherokee Nation all her life and that her husband, Moses L.Grazier, has lived with her in said Nation, with the exception of absences for temporary purposes, since the date of their marriage.

It is, therefore, the opinion of this Commission that Moses L. Grazier should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section 21 of the Act of Congress June 2[illegible], 1898 (30 Stats., 495) and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee Indian Territory

this

Cherokee D 503

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Moses L. Grazier as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on October 3, 1900, Martha Grazier appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment, among others, of her husband, Moses L. Grazier, as a citizen by intermarriage of the Cherokee Nation. Moses L. Grazier also appeared at the same time and place and testified in his own behalf. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on February 25, October 13, November 11, and December 2, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Moses L. Grazier was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on June 5, 1890, to Martha Ballard, a citizen by blood of the Cherokee Nation. Moses L. Grazier is identified on the Cherokee Census Roll of 1896.

The evidence further shows that Moses L. Grazier has resided in the Cherokee Nation since his marriage, with the exception of temporary absences at work, etc., and he and his wife, Martha, have not been separated and that Moses L. Grazier has not abandoned his said wife.

It is, therefore, the opinion of this Commission that Moses L. Grazier should be admitted as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of [illegible] of the Act of [illegible], and it is so ordered.

[illegible]

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Sarah Hogg	1094
David L Scott	1099
James C Taylor	1111
Rosie Stafford	1128
Robert G Elgin	1146
[illegible]	[illegible]
[illegible]	1154
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T Jones	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2541
James L Townsend	2543
George L Morgan	2568
Andrew A Brown	2575
Lewis K Lair	2625
James I Morrell	2644
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Nancy J Kinney	1225	Rosa J Ketchum	4623
Sydney E Bell	1232	Lizzie Lowe	4626
Isaac H. Jordan	1235	Robert K Wann	4632
Charles Parks	1244	Frederick Metzner	4633
Dora Frenchman	1262	John C Bratcher	4634
James R Fugate	1275	Peptow L Jones	4641
Maud Adams	1277	Ada Bertholf	4642
Elizabeth Black	1281	Alice Robbins	4644
Anna Thornton	1291	Jane Dougherty	4649
Robert T[illegible] Morrison	1294	Samuel Frames	4650
Perley Israel	1295	Clinton C Peck	4652
William A Long	1304	Mabel C Frazier	4653
Mollie Swannock	1319	Frank J Maxberry	4656
Frances Guess	1324	Charles W Moore	4660
Allen H. Gibson	1327	Jefferson D Edmondson	4661
John McFall Jr	1343	[illegible] H [illegible]	4662
Albert W [illegible]	1346	[illegible] C Moss	4668
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John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Taylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chamber	5328
James H Thomas	5329
Melville B Bard	5332
James R Goodlet	5356
Charles Horton	5390
James W Goodlet	5417
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Horace H Huddlestun	5832	George C Duffield	6031
William R Sargam	5837	Amelia Reece	6033
Joseph A Lawrence	5843	Alexander West	6036
William H Hinton	5846	John Booth	6037
Joseph Lehr	5851	Florence G Langley	6038
Ann M Young	5852	John T Hare	6042
Mary C Barnes	5853	Mary L Jordan	6048
Matilda Thompson	5861	John W Blackburn	6076
William W Young	5872	Jane L Dees	6079
Farley F Ellis	5874	Amanda J Thompson	6082
Rosa B Alberty	5877	Malissa Hardcastle	6089
Sarah Carson	5879	Jane Bragg	6111
Minnie Beck	5887	Lena D Rose	6113
Jack H. Merchant	5888	Leigh C DeLoach	6117
John D Merchant	5889	[illegible]	6118
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James J Snider	6375
William H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William A Lisk	6390
William O Ame[illegible]	6391
Thomas Wilket[illegible]	6396
Alice C Sprag[illegible]	6407
Fanny N Wil[illegible]	6413
Lillie M Ame[illegible]	6424
Mark L Mar[illegible]	6428
Ida L Wilson	6431
George E M[illegible]	6441
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James L Lee	6717
Rose Phillips	6723
Kate Brown	6735
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W[illegible] I Nor	6747
W[illegible] R Scott	6751
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James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zoldak	7149
Rufus M Norman	7155
Mary T Lawrence	7158
Alma Weir	7159
Jacob M Garrison	7161
Frances M Crowell	7163
Lafaine F McCune	7171
Benjamin B [illegible]	7176
Ada Phipps	7180
William L Wilson	7184
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Hiram A Shaw	7232
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Joseph F. Smith	9550
George F. Watkin	9552
Florence Henry	9553
[illegible] H. Johnson	9560
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Mary Jane [illegible]	9562
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Ida L White	10026
Addie B Miller	10027
William R [illegible]	10028
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Katie Craig	10033
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Sarah A Fields		10214
Susie Henderson		10216
Charles H Riendhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Lazzie B Timberlake		10226
George A Brown		10228
Dorcella Lowrey		10232
Vinnie Mouse	D	9
Loretta Prather	D	16
Andrew M Custer	D	17
Martin L Stokes	D	28
Peter Wantele	D	44
Columbus M Reeves	D	58
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Adolphus J Hallum	D	483
Alexander Walker	D	490
Albert J Hugh	D	491
America Matox	D	501
Moses L Grazier	D	504
Myrtle Hall	D	509
Wallace Thursday	D	511
Thomas W Baker	D	546
Mattie I Rees	D	550
William S Edwards	D	560
Susan I Reed	D	572
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Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Gunn	D	974
Hannah Parson	D	980
Nellie C. Herrerbrand	D	1001
Thomas J. Welch Jr.	D	1006
Lizzie Christian	D	1020
George Hazlewood	D	1025
James M. Jones	D	1027
Rosalie V. Evans	D	1032
Carrie H. [illegible]	D	[illegible]
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Albert C Dykes	D	2703
Delgia Drew	D	2704
Frank F Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lipe	D	2717
Bertha Landrum	D	2718
Ida More	D	2722
John D Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nichiffer	D	2730
Richard Nichols	D	2731
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~~Hetie Ross~~	~~D~~	~~2739~~
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Horace Gray	D	3082
Lula Pack	D	3083
Lelia C Harris	D	3084
Thomas Jones	D	3086
Benjamin Laws	D	3088
Martha Spade	D	3092
Julian Wyrick	D	3093
Samuel Harlan	D	3157
Lizzie Phatss	D	3171
Jack Michael	D	3172
Sarah E Davis	D	3176
Grace Guthrie	D	3181
Mary E Thornton	D	3183
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Della Baldridge	R	105
Samuel Richey	R	107
Malissa Fields	R	144
Fred Zimmerman	R	220
Ella Anspach	R	241
Michael R Mizer	R	266
Belle A Powell	R	352
Austin L Hill	R	420
Mary L Dudley	R	439
Stephen Hazlett	R	465
Mary A Payne	R	484
Rebecca Benge	R	563
Sarah Wilson	R	613
Dora Crane	R	628
Andrew Sittell	R	642
John Sittell	R	642
Lulie May Wilson	R	643
Olie A Barger	R	656
Ida Hasket	R	671
Lizzie Davis	R	761
Cora M Thomas	R	803

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mrs. L. Frazier
for enrollment as citizens of the Cherokee Nation.

No. L 573

AFFIDAVIT TO SHOW SERVICE.

UNITED STATES OF AMERICA, } ss
INDIAN TERRITORY,
~~Northern~~ Eastern DISTRICT.

This day personally appeared before me the undersigned a Notary Public within and for the ~~Northern~~ Eastern District of the Indian Territory [illegible] State, who being by me first duly sworn on oath states that he is [illegible] years old, and that his postoffice is Vinita, Indian Territory, and that on the [illegible] day of [illegible] he served the within [illegible] to be presented to the Dawes Commission, according to [illegible] by delivering to the within named [illegible] a true copy of the [illegible] and by leaving with her a true copy of the petition, at her residence in [illegible] Indian Territory, and more than five miles from the town of Vinita, I. T., where the Commission is now in session.

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible] 1900.

[illegible]
Notary Public.

NO

NOTICE.

In the Matter of the application of Maria L Strozier
for enrollment as Cherokee citizens:

To Maria L Strozier

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on [illegible], A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representative of the Cherokee Nation have hereunto set [illegible] at Muskogee, Indian Territory, this [illegible] day of [illegible], 1902.

L B Bell

[illegible]

NO ...

UNITED STATES OF AMERICA,
INDIAN TERRITORY
NORTHERN DISTRICT,

NOTICE.

In the Matter of the application of [illegible]
for enrollment as Cherokee citizens:

To [illegible]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on [illegible], A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony, to be used against applicants for enrollment as Cherokee citizens.

In testimony whereof, the [illegible] representatives of the Cherokee Nation have hereunto set their hands at Muskogee, Indian Territory, this [illegible] day of [illegible], 1902.

[illegible]

[illegible]

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. November 20th 1902.

In the matter of the application of Moses L. Grazier for enrollment as a citizen of the Cherokee Nation by Intermarriage.

Cherokee D 503

Motion to Re Open case.

Comes now the Cherokee Nation and moves that the case of Moses L. Grazier be reopened by the Commission to the Five Civilized Tribes and set for further hearing in order that the Cherokee Nation be afforded an opportunity of introducing further testimony to disprove the applicants right to be enrolled as a citizen of the Cherokee Nation by intermarriage.

In support of this motion the Cherokee Nation expects to prove by James Hayes and Susie Hayes and Randolph Ballard of Woodmore I. T. and by other witnesses that the said Moses L. Grazier did prior to September 1st 1902 abandon and desert his Cherokee wife and has been living with a white woman as his wife by whom he has 3 children; that he deserted his Cherokee wife without cause and that he is not entitled to be enrolled as a citizen of the Cherokee Nation under section 667 of the Compiled laws of the Cherokee Nation 1892, and on account of his non residence not entitled to enrollment under Paragraph 9 of section 21 of the act of Congress approved June 28th 1898.

This motion is not made for the purposes of delay but that justice might be done.

Respectfully submitted,

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. November 20th 1902.

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Respectfully submitted,

Attorney for the Cherokee Nation.

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Commission to the Five Civilized Tribes,

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This motion is not made for the purposes of delay but that justice might be done.

Respectfully submitted,

Attorney for the Cherokee Nation.

M

Nov 26. 1903.

The decision is technically correct, but this application might to be made on general principles. However I do not see on what ground it can be denied.

L.H.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 3 1900

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 3 1900 1900.

Name Nancie L. Grazier, Adopted

District Year 1896 Page 5[illegible]3 No. 64

Citizen by blood Yes. Mother's citizenship

Intermarried citizen Yes.

Married under what law Cherokee Date of marriage [illegible]

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902

Mrs. Martha Grasier,

Afton, Indian Territory,

Madam:-

You are hereby notified that the application of Moses L. Grasier

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 28th day of February

Cherokee Inchd
Register.

Cherokee D-503

Muskogee, Indian Territory, November 20, 1902.

Moses L. Grazier,

Afton, Indian Territory.

Dear Sir:-

Enclosed herewith please find copy of motion by the Cherokee Nation to reopen your case for the taking of additional testimony tending to disprove your right to be enrolled as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that this case has been set down for further hearing at the office of the Commission at Muskogee, Indian Territory, on the 2nd day of December 1902.

If you desire, you may appear before the Commission on said date for the purpose of hearing such testimony as may be introduced by the Cherokee Nation.

Respectfully,

Acting Chairman.

Secretary.

Enc. W-1[illegible]

Cherokee D-503

Muskogee, Indian Territory, November 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that your motion to reopen the case of Moses L. Grazier, an applicant for enrollment by this Commission as a citizen of the Cherokee Nation, for the purpose of introducing further testimony tending to disprove his right to enrollment, has been granted and the case set down for further hearing at the office of the Commission, Muskogee, Indian Territory, on the 2nd day of December, 1902.

Respectfully,

Acting Chairman.

Cherokee D-503

Muskogee, Indian Territory, March 26, 1903.

Moses L. Grazier,

Marcissa, Indian Territory.

Dear Sir:

You are hereby notified that before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, the Commission will require further evidence touching the [illegible] your alleged marriage to [illegible] Cherokee wife. This evidence can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before April 21, 1903.

When you answer, please present this letter.

Respectfully,

Chairman.

Cherokee D-503

V

M Hogue, I [illegible] Territory, March 28, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

[illegible] Grazier, [illegible] applicant for enrollment by this Commission as a citizen by intermarriage of the Cherokee Nation, has [illegible] notified that [illegible] will be complete, it will be necessary [illegible] evidence touching the [illegible] of the amendment of the Cherokee Act. You are notified that said testimony will be introduced on or before April 15, 1903, and you are [illegible] notified that any further [illegible] that you may desire to offer in said case can be presented before the [illegible] Land Office of this Commission at Vinita, Indian Territory, [illegible].

Respectfully,

[illegible]

N[illegible]

Cherokee Land Office,
[illegible],
[illegible], [illegible].

[illegible]

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cher. D-503.

Tahlequah, Indian Territory, November 9, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

There is transmitted herewith for your consideration and appropriate action the complete record in the matter of the application of Moses L. Grazier, for enrollment as a citizen by intermarriage of the Cherokee Nation, Cherokee D-503.

The original card in this case is at the general offices at Muskogee.

Respectfully,

T. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

Cherokee No.
D. 503

Muskogee, Indian Territory, January 10, 1907.

Moses L. Grazier,

Maroissa, Indian Teritory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D
503

Muskogee, Indian Territory, March 14, 1907.

Moses L. Grasier,

Narcissa, Indian Territory.

Dear Sir:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MTM

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. . Watkins,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereb, advised that the decision of the Commissioner ., the Five Civilized Tribes, dated January 1., 1 07, rejecting the application for the enrollment of these Freedmen, et . . as citizens . intermarried of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfull.,

Commissioner.

Encl.

Cher R 1108

Trans. from D 505

Cher R 1108

RESPECTFUL ... husband, Robert Allen Abney.

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I.T., December 3, 1900.

In the matter of the application of Nellie A. Abney for the enrollment of herself, husband and children as Creek citizens by blood, sworn and examined by Commissioner Breckinridge, the testimony was taken down by a stenographer and is as follows:

Q. What is your name? A. Nellie A. Abney.
Q. How old are you? A. 32.
Q. What is your post-office address? A. Muskogee.
Q. Where do you live? A. Muskogee.
Q. Do you wish to make application to be enrolled as a citizen, and for your husband and children?
A. Yes, sir.
Q. Are you married? A. Yes, sir.
Q. When were you married to your husband? A. [illegible]
Q. Have you ever been married before? A. No, sir.
Q. All right, you may step down.
A. [illegible] sir.
Q. [illegible]
A. [illegible]
Q. [illegible] certificate
A. [illegible]

Birdie A. Abney et al 2

tember 1895, but she is unable to produce at this time the marriage license and certificate, or official evidence thereof; he is identified with her on the roll of 1896; she states that they have lived together in the Cherokee Nation ever since their marriage; the application forhis enrollment will at this time be placed upon a doubtful card, to await further evidence of his having been married to her at the time stated in accordance with Cherokee law.

W.D.Gruen, being first duly sworn, stated that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of October 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN [illegible] 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 26th 1901.

S U P P L E M E N T A L

D- 505.

****

In the matter of the application of Robert A. Abney, [illegible] of himself and family as Cherokee citizens. JOHN T. GUNTER, [illegible] duly sworn before the Commission, testified as follows:

Q What is your name? A. John T. Gunter.
Q What is your post office address? A. Ainita.
Q What is your age? A. 44.
Q Do you recognize citizen of the Cherokee Nation? A. Yes sir.
Q [illegible] with us, Robert A. Abney? A. Yes sir.
Q [illegible] by him? A. Yes sir, for [illegible] before [illegible].
Q [illegible] A. Well sir [illegible] petition and [illegible] for [illegible] and [illegible] I was a non-citizen who desired to [illegible] citizenship and [illegible] in order to get [illegible] Mr. Abney [illegible] and he got the [illegible] Yes sir, I recognize [illegible]

[illegible]

[illegible] told me so.
Q [illegible] license? A. Yes sir, it was [illegible].

* *

D. 505.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 28, 1902.

In the matter of the application of Robert A. Abney for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant present in person.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 18, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee on the 28th day of February, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, to wit the 28th day of February, 1902, appears in person.

ROBERT A. ABNEY, the applicant, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Robert A. Abney.
Q How old are you? A 34.
Q Where do you live? A Afton, Indian Territory.
Q You are the applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes, sir.
Q Is there any further statement you desire to make relative to your application? A I don't know whether my testimony would be worth anything or not, I don't know whether, they have ever done that or not, that is all.

MR. HASTINGS: No, you have never been before the Commission; so short, we'll tell what you know about it if you want to make a statement, at least my boy don't know it.
A Well, on September 25, 1901, I secured a Cherokee license to be married, and on the following day, September 26th, or that is to say, about eleven thirty o'clock, I was married by Reverend Greathouse, of Vinita at that time.
Q What is your wife's maiden name? A Birdie.
Q Pratt? A Pratt, yes, sir.
Q You got a Cherokee license? A Yes, sir.
Q Where did you get it from? A John Duncan, I. T. I believe.
Q What position did he occupy at that time? A He was Clerk of the Delaware District.

EXAMINATION: Were you ever married before you married your wife? A No, sir.
Q Was she ever married before? A No, sir, not that I know of.
Q You are living together at the present time? A Yes, sir.
Q You have lived together continuously since your marriage? A Yes, sir.
Q Have you always resided in the Cherokee Nation since your marriage? A Yes, sir.
Q What became of your original license and certificate? A Why we turned them in to Greathouse and we never got a copy nor nothing of them. We got the records searched and there is no record of them.
Q Did you procure the requisite number of signers? A Yes, sir.
Q What are the names of some of the men who signed your petition? A Why, J. F. Hunter, of Vinita, circulated the petition, and also signed the petition, got the required number of signers, and went with me and we got the license, and the following day after I got the license, the 27th of September, 1901, in answer to a telegram from Mr. Hunter sent Rev. Greathouse, of Vinita, I forget his initials, is held us at Pryor Creek, we were coming on on the M. K. & T. train, and married us, and he joined us there and united us in marriage the

tween there, Pryor Creek, and Vinita.
Q Any further statement you desire to make? A No, sir, I don't know of anything else.
Q You submit the case to the Commission for final consideration?
A Yes, sir.

The applicant and the representative of the Cherokee Nation present submit the case to the Commission. The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

—::—::—::—::—

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings and testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 24th day of February, 1902.

Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of Robert A. Abney for the enrollmentof himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-505.

Appearances:

James S. Davenport for Applicant.
J. C. Starr, for Cherokee Nation.

JAMES S. DAVENPORT, being duly sworn, testified as follows:
Examinatin by the Commission.

Q. Name, age and post office? A. James S. Davenport, 38, Vinita, I. T.
Q. Are you a citizen of the Cherokee Nation? A. Yes, sir.
Q. Are you acquainted with the applicant in this case, Robert A. Abney? A. Yes, sir.
Q. How long have you known him? A. I have known Mr. Abney since 1894, I think when I first knew him.
Q. Do you know his wife? A. I think I knew his wife before they were married. I am not positive.
Q. Have they lived together since you knew them? A. They have been living together since they were married. They live within 12 miles of me. I have seen them on the average of once a month any way.
Q. They have never been separated? A. No, sir.
Q. Living together as husband and wife on the first of September, 1902? A. Yes, sir; and living that way now.

Jesse C. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 6th day of October, 1902.

Notary Public.

Cher
Supp'l to D 505

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1902.

In the matter of the application of ROBERT A. ABNEY, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

ROBERT A. ABNEY, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert A. Abney.
Q How old are you ? A Thirty five.
Q What is your post office ? A Afton.
Q Are you a white man ? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage ? A Yes sir.
Q What is the name of your wife ? A Birdie Trott.
Q When were you married to her ? A September 26, 1895.
Q Is your wife a Cherokee by blood ? A Yes sir.
Q How long has she been living in the Cherokee Nation ?
A All her life.
Q Is she your first wife ? A Yes sir.
Q And are you her first husband ? A Yes sir.
Q Have you and your wife been living together from the time you were married up to the present time ? A Yes sir.
Q Never been separated ? A No sir.
Q Where have you and your wife been living since your marriage ?
A At Afton.
Q In the Cherokee Nation ? A Yes sir.
Q Has the Cherokee Nation been your home continuously since your marriage ? A Yes sir.
Q Never lived anywhere else ? A No sir.
Q How many children have you ? A Two living, the oldest one is dead.
Q When did the oldest one die ? Has it ever been enrolled by this Commission ? A No sir.
Q Never has ? A No sir. I dieremember the date of its death.
Q You say you have two living ? A Yes sir
Q Those two were enrolled by this Commission two years ago ?
A Yes sir

N. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 16, 1902

Notary Public.

Cherokee D-505.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of ROBERT A. ABNEY as a citizen by intermarriage of the Cherokee Nation.

--o:O:o--

D E C I S I O N.

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The record in this case shows that on October 3, 1900, Birdie A. Abney appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment, among others, of her husband, Robert A. Abney, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January 26, 1901, and on February 28, 1902, and again on September 29, 1902. The other parties to this application are differently classified, and are not embraced in this decision.

The evidence shows that Robert A. Abney was lawfully married to his wife, Birdie A., a Cherokee by blood, on September 26, 1895, under authority of a Cherokee marriage license. The said Robert A. Abney is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said Robert A. Abney has lived with his said wife in the Cherokee Nation continuously from the date of his marriage to her up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Robert A. Abney should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

Date

T.W.L.

Cherokee No.B-505

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita Indian Territory, October 3, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 25, 1901, February 2nd, 1902, September 29, 1902 and October 24, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Robert A. Abney, is a citizen by and white blood and possesses no right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired as the result of his marriage to Birdie A. Abney, now dead, a duly enrolled citizen by blood of the Cherokee Nation, her name appearing on the approved partial roll of Cherokee Citizens by blood, as provided by the Act of Congress, approved June 28, 1898. The applicant was married to Birdie A. Abney, a citizen by blood of the Cherokee Nation prior to November 1, 1899.

It is [illegible] that on December 4, 1902, in the case of Daniel Red Bird, et al., vs. The United States, No. 1[illegible], the said applicant, Robert A. Abney, is not entitled under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and the application for enrollment as such is accordingly denied.

Chief Clerk.

d-

B. M. Allen

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
1900

DELAWARE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date. OCT 3 1900 1900.

Name Robert A. Abney, Afton I.T.

District DELAWARE Year 1896 Page 564 No. 5

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Dist	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
	Year	Page	No.	Age
Dist		Page	No.	Age
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Dist		Page	No.	Age
Dist	Year			Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age

IMMISSIONERS
HENRY L. DAWES
AMES BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE

ATTON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
OMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902

Mrs. Birdie A. Abney,

A_toma, Indian Territory,

Madam:-

You are hereby notified that the application of Robert A. Abney

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the

2[illegible]th day of February

at which time and place you may appear before the Commission, in person or by attorney, and present such evidence as you may desire in support of your application.

Very respectfully,

[illegible]
Secretary.

Commissioner in Charge.

Cherokee
D 808

Muskogee, Indian Territory, February 19, 1907.

Robert A. Abney,

Afton, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-81
RA
Register.

Cherokee
D 505

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, denying the application for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl A-82

RA

Muskogee, Indian Territory, February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 19, 1907, denying said application.

Respectfully,

Commissioner.

Encl.AGJ
RA

Through the Commissioner
of Indian Affairs.

(Copy)

Land.
18383-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

February 28, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from Commissioner Dixby, dated February 19, 1907, enclosing the record of proceedings in the matter of the application for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commissioner, dated February 19, 1907, denying the application.

The record shows that Robert A. Abney is a white man, and possesses no right to enrollment as a citizen of the Cherokee Nation other than such as he may have acquired by virtue of his marriage to Birdie A. Trott, a recognized and enrolled citizen by blood of the Cherokee Nation, on September 24, 1[illegible].

The applicant did not therefore marry a citizen by blood of the Cherokee Nation prior to November [illegible], 1[illegible], and the decision of the Commissioner is in accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al., vs. the United States, and it is recommended that the decision, denying the application for enrollment, be affirmed.

Very respectfully,

[illegible] Larrabee

Acting Commissioner.

CWS-SD

D.C.12637 (COPY) J. P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

URS O.K.

I. T. D. March 2, 1907.

5846,5982,5984,5986,
5992,6004,6006,6010,
6014,6016,6018,6024,
6028,6030 6032,6034,
6072,6092,6104-1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letter s submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of Your Letter of Transmittal.
Elizabeth Davis,	February 14, 1907.
James C. Williamson,	February 19, 1907.
Ruth A. Davis,	February 19, 1907.
Midipher Nicholson,	February 19, 1907.
Robert A. Abney,	February 19, 1907.
Wakepeace Miller,	February 19, 1907.
Margaret J. Emerson,	February 14, 1907.
Sarah P. Miller,	February 21, 1907.
William Clifford Dawson,	February 23, 1907.
Lorene and Preston Davis Smith,	February 17, 1907.
Rose Haynes (Freedman),	February 23, 1907.
Willie Fletcher Hurst,	February 21, 1907.
John V. Chandler,	February 15, 1907.
Laura Coats,	February 18, 1907.
Charlotte E. Reeds,	February 21, 1907.
Thomas Jacob et al.,	February 17, 1907.
Elizabeth and Charles Calbert (Freedman)	February 18, 1907.
Frank E. Prentice,	February 18, 1907.
Doris Hill (Freedman),	

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

19 inc. and 38 inc.
to Ind. Of.

A V Mc.

3-2-07

Cherokee D 505

COPY

Muskogee, Indian Territory, March 11, 1907.

Robert A. Abney,

Afton, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl...-33
JMH

Commissioner.

Cherokee D 505

COPY

Muskogee, Indian Territory, March 11, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Robert A. Abney as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, March 2, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Tams Bixby

Commissioner.

Encl. H-86
JMH

Cher R 1109

Trans. from Cher D 340

Cher R 1109

Cherokee No.

D. 340

Muskogee, Indian Territory, January 10, 1907.

Lucy Lacey,

Locust Grove, Indian Territory

Dear Madam :

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

67

REFER IN REPLY TO THE FOLLOWING:

Cherokee D
340

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

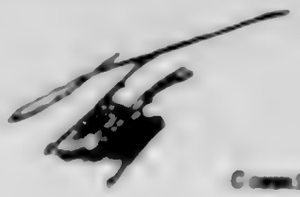
Lucy Lacey,

Locust Grove, Indian Territory.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,



WTM

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment as a citizen by blood of the Cherokee Nation of James Wolcott, et al.

DECISION

[redacted]

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N Bateman	1029
Susan Ballard	1065
Lucy Lea Simmons	1073
Ellen Thornton	1089
Sarah F Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Rosa Sherrod	1128
Robert G Pegg	1136
William Hill	1157
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Lafayett D Kindred	2328
Pearl V. Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T Jones	2501
Sarah L Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L Morgan	2568
Andrew A. Brown	2575
Louis K Fair	2623
James L Mitchell	2644
Martha E McNair	2659
[illegible]	2668
[illegible]	2685
[illegible]	2694
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Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Peyton I. Jones	4641
Maud Adams	4277	Vela Bernhill	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Lizzie Daugherty	4649
Robert T. Morrison	4294	[illegible]	4650
Perley Israel	4295	[illegible]	4652
William A. Long	4304	[illegible]	4653
Mollie Swannock	4319	[illegible]	4656
Frances Guess	4324	[illegible]	4660
Allen H. Gibson	4327	[illegible]	4661
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
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Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendrick	5278
Emma Chambers	5328
James H Thorn	5329
Melville B Bass	5332
James R Crockett	5350
Charles Horton	5390
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Horace H Huddlestun	5832	George C Duffield	6031
William R Sartain	5837	Amelia Reese	6033
Joseph A Lawrence	5843	Alexander West	6036
William H Hinton	5846	John Loathe	6037
Joseph Lehr	5851	Florence G Barclay	6038
Emm M Young	5852	John T Hunt	6042
Mary C Barnes	5853	Mary L Jordan	6048
Matilda Thompson	5861	John W Bradshaw	6076
William W Young	5872	James L Dean	6079
Earley L Ellis	5874	Amanda L Thompson	6082
Rosa B Albert	5877	Mattie Hedenstad	6089
Sarah Gabbas	5879	Jane Benge	6111
Marcie Beck	5887	John D Reed	6113
Jack H Merchant	5888	Jesse C DeLoach	6117
Lizzie D Morrison	5889	Jessie Wells	6118
Sarah L Campbell	5894	Mary A Cook	6124
Jesse Young	5900	Mary L Rogers	6126
Lizzie H [illegible]	5901	Orlando Newton	6130
Mary Hines	5903	William A Gates	6138
George W Wood	5907	Hampton H Thompson	6144
Annie Collins	5908	Chas F Wagner	6163
Thomas M Hines	5911	Sallie Rogers	6172
William W Smith	5913	James Hamilton	6186
Thomas M Crawford	5914	Ida Gibson	6189
Alfonzo Jackson	5915	Mary E Ford	6194
Edward T Campbell	5916	Paul Brown	6201
Mary [illegible]	5917	Jesse L Cox	6204
Lizzie S Jones	5918	Alpha Cooper	6214
Annie Whitney	5919	W Allen Wood	6215
Ellen A Curtis	5920	Jesse Reed	6216
Lillie B [illegible]	5921	Lena V Evans	6217
Emma L Crowell	5922	Lizzie L Evans	6218
Philadelphia M Campbell	5923	Mary J Wilson	6219
Jessie L Hines	5924	William H Hines	6220
Lizzie B Sullivan	5925	Lena G Hines	6221
Elizabeth B Johnson	5926	Lizzie Jones	6222
Elizabeth L Hines	5927	Mary E Hines	6223
Mary E Hines	5928	Lizzie M Hines	6224
Ella M Hines	5929	Mary J Hines	6225
Mary L Hines	5930	Lizzie Hines	6226
Lizzie Hines	5931	Mary Hines	6227
Mary Hines	5932	Lizzie Hines	6228
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Mary Hines	5934	Lizzie Hines	6230
Lizzie Hines	5935	Mary Hines	6231
Mary Hines	5936	Lizzie Hines	6232
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Lizzie Hines	5967	Mary Hines	6263
Mary Hines	5968	Lizzie Hines	6264
Lizzie Hines	5969	Mary Hines	6265
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Mary Hines	5976	Lizzie Hines	6272
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Lizzie Hines	5981	Mary Hines	6277
Mary Hines	5982	Lizzie Hines	6278
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Mary Hines	5984	Lizzie Hines	6280
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Lizzie Hines	5997	Mary Hines	6293
Mary Hines	5998	Lizzie Hines	6294
Lizzie Hines	5999	Mary Hines	6295
Mary Hines	6000	Lizzie Hines	6296

James J Snider	6375
William H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William [illegible]ck	6392
William O Ann	6394
Thomas Wilkerson	6396
Alice C Spangston	6407
Laney N Wise	6413
Lillie M Adair	6424
Mark I Matheson	6428
Ida F Wilson	6431
George F Mott	6441
Eugene S Reese	6443
Donald V Smith	6447
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James Maher	7128
Terry V Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary E Foreman	7158
Alma West	7159
James M Connally	7161
Frances M Crowell	7163
Fannie E McClure	7171
Benjamin B Graham	7176
Ada Pharr	7180
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Frances B Pew	7191
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Joseph P Smith	9550
George E Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Lee Thom	9562
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William G Brown	9879
John B Delay	9881
Parlee Thompson	9882
Guenther W Wertler	9883
Margaret Crittenden	9884
Moses L Mottes	9889
Sarah L Roget	9891
Stephen Duncan	9892
Gideon D Sleeper	9895
William A Madd[illegible]	9896
John H Hooton	9901
Henry I Roget	9905
William Ro[illegible]	9912
George W [illegible]	9916
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James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Demeron	10035
William Warner	10036
George A. Allen	10037
Wade Shetler	10038
John E. Carter	10039
John M. Boyd	10043
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Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Maxfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
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Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H Rienhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Timberlake		10226
George A Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	103
George T Kibbly	D	108
Henry C Agent	D	139
Joseph T Tapps	D	147
Henry Hatch	D	149
[illegible] A McGlaughn	D	161
[illegible]	D	169
[illegible]	D	180
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[illegible]	D	[illegible]

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Gunn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1005
Thomas J. Welch, Jr.	D	1006
Lazzie Christian	D	1010
George Hazlewood	D	1013
James M. [illegible]	D	[illegible]
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Herbert F Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank I Dandenson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lipe	D	2717
Bertha Loeffler	D	2718
Lee Mote	D	2722
John D McBee	D	2723
Mary McIntosh	D	2725
Bertha Neuffer	D	2730
Richard Nichols	D	2731
[illegible] S Ross	D	2738
Irene Rose	D	2739
William H Rose	D	2740
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Lue Fish	D	3081
Horace Gray	D	3082
Lula Pack	D	3083
Lelia C. Harris	D	3084
Thomas Jones	D	3086
Benjamin Law-	D	3088
Martha Spade	D	3092
Julian Wyrick	D	3093
Samuel Harlan	D	3157
Lizzie Pharis	D	3171
Jack Mallard	D	3172
Sarah F. Dyer	D	3176
Grace Gardner	D	3181
Mary L. Thornton	D	3184
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[illegible]	R	5
[illegible]	R	50
[illegible]	R	70
[illegible]	R	82
[illegible]	R	87
[illegible]	R	97

Della Baldridge	R	105
Samuel Richey	R	107
Malissa Fields	R	144
Fred Zimmerman	R	220
Ella Anspach	R	241
Michael R. Mizer	R	266
Belle A. Powell	R	352
Austin L. Hill	R	420
Mary L. Dudley	R	439
Stephen Hazlett	R	465
Mary A. Payne	R	484
Rebecca Benge	R	563
Sarah Wilson	R	613
Dora Crane	R	628
Andrew Sorell	R	642
John Sorrel	R	642
[illegible] Max Wyrick	R	645
Otto A. Berger	R	648
Ida Hayden	R	671
Lizzie Jones	R	761
Cora M. [illegible]	R	805

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act, and if any such permanent citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at one of the following named places between the dates named at which places the Commissioner will have an opportunity to receive such designations, and hear testimony if any there be.

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements are now tentatively selected by a former intermarried white claimant or held by him, to not belonging to said intermarried white claimant, or makes any adverse claim to said improvements or to the right of the intermarried white claimant to sell said improvements under the Act approved March 1, 1907, Public 180, said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the times above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 16th, 1907, inclusive, and at the other places here named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of improvements selected by former claimants or tentatively by intermarried white claimants and all other legal subdivisions, on which improvements are located by the records of this office.

All persons interested should attend some one of the hearings at which plats will be open for inspection, and complaints must be made, and proof must be ready to be presented before the Commissioner.

TAMS BIXBY,
Commissioner

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

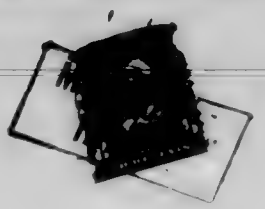




Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



OFFICIAL BUSINESS



Cher R 1110

Trans. from Cher D-509

Cher R-1110

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA,I. T., OCTOBER 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF Edward Lafayette Hall, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name please? A Edward Lafayette Hall.
Q How old are you? A About thirty.
Q What is your Postoffice? A Bluejacket.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll?
A Myself, wife and children.
Q How many children? A Two.
Q Is that all? A I am guardian for two minors.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A She is a white woman.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you on the roll of 1880? A Yes sir.
Q Give the name of your father? A Duncan S. Hall.
Q Dead or living? A Dead.
Q Your mother's name please? A Katy Ann Hall.
Q Dead or living? A Living.
Q How long have your father been dead; one or two years?
A About twelve or fifteen years I guess.
Q Have you your wife's name? A Myrtle Cresto [illegible] married.
Q How old is your wife? A Twenty three I believe.
Q Has she ever applied, except to you? A No sir.
Q Has she ever applied except to you? A No sir.
Q Where were you living, what year? A About five years ago.
Q Were you living in 1880? A Yes sir.
Q Have you any certificate of marriage? A I have one certificate.
Q Have you brought the certificate? A No sir, I did not.

As for the application of the mother of this child, the applicant states that he and his wife were married in the Spring of 1895, but he is not able to produce a marriage certificate, nor to produce satisfactory personal evidence at this time. His wife is identified with him on the roll of 1896. He states that his wife is a "claimant", but she can not be identified now upon the records of the Dawes Commission. At present, her application will be placed on a doubtful card, and the final decision of the Commission will be made known to the applicant at his postoffice address.

When the Commission is supplied with a proper certificate of the birth of the younger child, Louis F. Hall, that child also will be listed for enrollment as a Cherokee by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 8th day of October, 1900.

COMMISSIONER.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T.' October 4,1900.

In the matter of the application of Myrtle Ann Hall for the enrollment of herself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge she testified as follows:

Q What is your name? A Myrtle Ann Hall.
Q What is your age? A 23.
Q What is your post-office? A Bluejacket.
Q In what district do you live? A Cooweescoowee.
Q Your husband applied for your enrollment yesterday dien't he?
A Yes sir.
Q Is your husband a Cherokee? A Yes sir.
Q What is his name? A Edward LaFayette Hall.
Q He is a Cherokee by blood is he? A Yes sir.
Q What was your name before he married you? A Castell.
Q That your maiden name? A Yes sir.
Q When did you marry your husband? A 25th day of January 1895
Q You have lived with him ever since have you? A Yes sir.
Q You have got a witness here have you? A Yes sir.

JOSEPHINE HALL , being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give your name? A Josephine Hall.
Q How old are you? A 27.
Q What is your post-office? A Bluejacket.
Q In what district do you live? A Delaware.
Q You want to give some evidence in regard to the marriage of Myrtle Ann Hall to her husband? A Yes sir, I was a witness at the marriage.
Q You were present when they were married? A Yes sir.
Q In what year were they married? A In 1895
Q What time in the year? A January 25th.
Q Who married them, a preacher? A Yes sir Bluejacket.
Q Is he dead now? A Yes sir.
Q Are you a sister to her husband? A No sir, I am a sister-in-law, for the girls are brothers.

I [illegible] that the above and foregoing is a true and complete transcript of the stenographic notes thereof taken and made in the above entitled matter on the date and at the time and place therein set forth.

Subscribed and sworn to before me this 4th day of October 1900.

Commissioner.

Supl.-C.D.#509.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

SUPPLEMENTAL in the matter of the enrollment of MYRTLE HALL as a citizen of the Cherokee Nation:

Commission: The Cherokee Nation makes satisfactory proof of service on the said Myrtle Hall that they would on the 28th day of February, 1902, at the offices of the Commission, in Muskogee, Indian Territory, introduce testimony tending to disprove her right to be enrolled as a citizen of the Cherokee Nation. The applicant has this day, to-wit: the 28th day of February, 1902, been called thee times and failing to respond either in person or by attorney, the Cherokee Nation will be permitted to introduce said testimony.

Mr. Hastings' Cherokee Representative: The Cherokee Nations asks that the testimony in the case before the Dawes Commission in 1896, No. 2674, page 434, Docket "A", and Court No. 63, be introduced and made part of the record in this case.

Commission: The applicant was notified by registered letter February 12, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. And that she could on said date appear before the Commission either in person or by attorney and an opportunity would be given her to introduce any further testimony affecting her case. She was this day, to-wit: the 28th day of February, 1902, been called three times and failing to respond either in person or by attorney it is directed that the same be closed and the same reported to the Commission for a final decision based upon the evidence now of record.

[illegible] being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 4, 1902.

[illegible]
Commissioner.

Cher
Supp'l to D 509

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 10, 1903.

In the matter of the application of MYRTLE HALL, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

EDWARD L. HALL, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q State your name ? A Edward L. Hall.
Q How old are you ? A I am thirty two years old.
Q What is your post office ? A Miles, I. T.
Q Are you a Cherokee by blood ? A Yes sir.
Q What is your wife's name ? A Before she was married ?
Q Yes. A Myrtle Casto.
Q Is she a white woman ? A Yes sir.
Q When was she married to you ? A I disremember the year.
Q Was it twenty years ago or two years ago, how long ago ?
A Eight or nine years ago I believe.
Q Is she your first wife ? A Yes sir.
Q Are you her first husband ? A Yes sir.
Q Have you been living together ever since you were married ?
A Yes sir.
Q Never been separated have you ? A No sir.
Q Have you made your home in the Cherokee Nation all the time ?
A Yes sir.
Q Are you on the roll of 1880 ? A Yes sir.
Q Have you resided in the Cherokee Nation ever since that time ?
A Yes sir.
Q Have you any children ? A Three.
Q By your wife Myrtle ? A Yes sir.
Q Are they all living ? A Yes sir.
Q Your wife is living ? A Yes sir.
Q You and your wife were living together on the first day of last September, were you ? A Yes sir.
Q Does your wife Myrtle claim and exercise the privilege of voting for [illegible] ? A Yes sir.
Q She doesn't claim to be a citizen by virtue of any Cherokee blood does she ? A She claims that she does but she don't. She has never been admitted and won't be I suppose.

[illegible] stated that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible] February 27, 1903.

Notary Public.

Cherokee D. 509

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Myrtle A. Hall as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 3, [illegible], Edgar L. Hall appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment, among others, of his wife, Myrtle A. Hall, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 4, 1900, at Muskogee, Indian Territory, on December 20, 1900, and at Vinita, Indian Territory, on January 14, 1901. The other portion to the application are differently classified and are not concerned in this decision.

The evidence shows that the said Myrtle A. Hall, a white [illegible], was married on [illegible], to Edgar L. Hall, a Cherokee by intermarriage, who is identified on the 1896 intermarried citizen roll of the Cherokee Nation.

The evidence further shows that Myrtle A. Hall [illegible] the said Edgar L. Hall subsequent to the Cherokee nation allotment to him and [illegible] September 1, 1898.

[illegible] it appears that the applicant, Myrtle A. Hall, [illegible] the Cherokee nation prior to September 1, 1898, [illegible] the Act of Congress approved June 10, 1896 (29 Stats., 321), [illegible] to the Commissioner to the Five Civilized Tribes for enrollment as a citizen by intermarriage of the Cherokee Nation, from the decision of the Commissioner, dated December 20, 1900, an appeal was taken to the United States Court in Indian Territory, Northern District, and the decision of the Commission was affirmed in said court.

It is the contention of the applicant's counsel that the applicant's right to enrollment as an intermarried Cherokee is not precluded by the denial of her application for enrollment as a citizen by blood, under the provisions of the said Act of June 10, 1896, [illegible] Hall,

and that the said Myrtle A. Hall should, therefore, be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Chairman.

_____
Commissioner.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, I. T.,

this _____

Department of the Interior,
Commissioner to the Five Civilized Tribes

DECISION

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah F Hart	1090
Norman S Doyle	1092
Susan Harg	1094
David L Scott	1099
James C Taylor	1111
Rosie Shepard	1128
Robert G Pigg	1356
William Hall	1357
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T Jones	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2515
George L Morgan	2568
Andrew A Brown	2575
[illegible]	2623
[illegible]	2644
Martha E [illegible]	2659
[illegible]	2668
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[illegible]	2681
[illegible]	2738
[illegible]	[illegible]
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[illegible]	[illegible]

Nancy J Kinney	4225
Sydney E Bell	4232
Isaac H Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Mattson	4294
Perley Israel	4295
William A Long	4304
Mollie Swanlock	4319
[illegible] Guess	4324
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nora B. Burgess	5236
John E Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R Goodall	5356
Charles Horton	5390
James W Goodrich	5417
Dora Cox	5425
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William O Ans	6394
Thomas Wilkerson	6396
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Alma West	7159
James M Connally	7161
Frankes M Crowell	7163
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Ada Phatiss	7180
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Laura McCrary	9566
Joel D Smith	9568
William T Cave	9572
William Bugher	9577
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Sarah L Rogers	9891
Stephen Duncan	9892
Gideon D Sleeper	9895
William A Maddin	9896
John H Horton	9904
Howe L Roger	9905
William Rush	9942
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Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W Baker	D	546
Mattie E Keys	D	550
William S Edwards	D	560
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Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Gunn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1005
Thomas J. Welch Jr.	D	1006
~~Lizzie Christian~~	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1052
Carrie H. Cobb	D	1060
John M. Bates	D	1067
Sarah E. Henson	D	1080
Lucia D. Henson	D	1081
Henry L. Dunstan	D	1090
Benjamin F. Evans	D	1091
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Annie Wood	D	1094
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Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Steven M. Colley	D	1367
Kate Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1431
S. F. Moore	D	1434
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Emma Vann	D	1458
Mary Dawson	D	1474
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Herbert F Couch	D	2700	Samuel A. Parkhurst	D	2821
Albert C Dykes	D	2703	Ellen Rogers	D	2822
Delora Drew	D	2704	Elijah Rolland	D	2827
Frank F Dandersen	D	2705	Endora Steele	D	2828
James Gafford	D	2708	William M. Stucker	D	2829
Anna L. Harlin	D	2715	Sallie Tannneacie	D	2831
William R Lapse	D	2717	Mary Tassle	D	2832
Bertha Landf[illegible]	D	2718	John F. Wolf	D	2835
Lala Mote	D	2722	Ruth A Ward	D	2840
John D Mathews	D	2723	Winnie Daugherty	D	2884
Mary McIntosh	D	2725	Mary Guthrie	D	2885
Bertha Nidiffer	D	2730	Lydia Long	D	2886
Richard Nichols	D	2731	Edda Roberts	D	2887
William S. Ross	D	2738	Manda Ward	D	2889
[illegible] Rose	D	2739	Elmera J. Alberty	D	2905
W[illegible] H R[illegible]	D	2740	Thomas C Condray	D	2906
[illegible]	D	2741	Edward Lasker	D	2907
[illegible]	D	2743	[illegible]	D	2908
W[illegible]	D	2744	[illegible] Hunt	D	2909
[illegible]	D	[illegible]	[illegible]	D	2910
[illegible]	[illegible]	[illegible]	[illegible]	D	2911
[illegible]	[illegible]	[illegible]	[illegible]	D	2913
[illegible]	[illegible]	[illegible]	[illegible]	D	2915
[illegible]	[illegible]	[illegible]	[illegible]	D	2917
[illegible]	[illegible]	[illegible]	[illegible]	D	2918
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	2884
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	2887
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Lue Fish	D	3081
Horace Gray	D	3082
Lula Pack	D	3083
Lelia C. Harris	D	3084
Thomas Jones	D	3086
Benjamin Laws	D	3088
Martha Spade	D	3092
Julian Wyrick	D	3093
Samuel Harlan	D	3157
Lizzie Pharis	D	3171
Jack Michael	D	3172
Sarah E. Davis	D	3176
Grace Guthrie	D	3181
Mary E. Hamilton	D	3183
[illegible]	R	4
[illegible]	R	5
[illegible]	R	10
[illegible]	R	19
[illegible]	R	41
[illegible]	R	45
[illegible]	R	61
Della Baldridge	R	105
Samuel Richey	R	107
Malissa Fields	R	144
Fred Zimmerman	R	220
Ella Anspach	R	241
Michael R. Mizer	R	266
Belle A. Powell	R	352
Austin L. Hill	R	420
Mary L. Dudley	R	439
Stephen Hazlett	R	465
Mary A. Payne	R	484
Rebecca Benge	R	563
Sarah Wilson	R	614
Dora Crane	R	628
Andrew Sitrell	R	642
John Sitrell	R	642
Lottie May Wilson	R	643
Ollie A. Barger	R	656
Ida Hawkins	R	671
Lizzie Davis	R	761
Clara M. Emmons	R	803

File with Myrtle Hall, C. D. 509

Louisa E. Tretter et al,

vs No. 63.

Cherokee Nation.

Mr. Edgar Smith, Special Master to whom this case was referred, submits the following report:

IN THE UNITED STATES COURT OF THE INDIAN TERRITORY,

NORTHERN DISTRICT, AT MUSKOGEE.

Louisa E.MTretter et.al.
vs No 63
The Cherokee Nation.

Report of Special Master.

I, Edgar Smith Special Master in Chancery herein, respectfully submit to the Court that under and by virtue of the order of reference heretofore made by the Court I have examined the pleadings and the proof in the above entitled cause which are filed herewith and made a part hereof and I find as follows:-

- 1 -

That this cause was instituted on the 5th day of Sept. 1896 by filing before the Commission to the Five Civilized Tribes the application of the following named persons to-wit:-

Louisa E. Tretter,	Albert V. Tretter,
Flora Belle Miller,	Levina C. Brown,
John F. Tretter,	Wm. A. Tretter,
Carl Tretter,	James H. Tretter,
Maggie V. Fields,	Lena F. Tretter,
Fanny E. Tretter,	Gladys F. Tretter,
Ruby C. Tretter,	Lyle E. Tretter
George A. [illegible]ger,	Carl Miller,
Orsten L. Miller,	Lester E. Miller,
Cloe Miller,	Emily A. Brown,
Orsels A. Brown,	Hattie E. Brown,

Goldie Brown,	James L. Brown,
Hazel E. Tretter,	Dale B. Tretter,
Gaither G. Tretter,	Iva Tretter,
Lula Tretter,	Ruby Fields,
Christopher, Pittsenbarger,	John A. Pittsenbarger,
Steven A. Pittsenbarger,	Charles M. Pittsenbarger,
Marcus L. Pitsenbarger,	Alma J. Pitsenbarger,
Rosalla H. Pickerell,	Jacob C. Pitsenbarger,
Lenard G. Pitsenbarger,	Mary L. Pitsenbarger
Carry L. Eggleston,	Harry Eggleston,
Leona Eggleston,	Elizabeth Eggleston,
Floyd Eggleston,	Henry Pitsenbarger,
Harriet Ketchum,	May C. Thompson,
Wm. R. Pitsenbarger,	Francis M. Pittsenbarger,
John A. Pittsenbarger,	Chas. A. Pittsenbarger, n
Gertie A. Pittsenbarger,	Samuel L. Pittsenbarger,
Mary A. Reed,	James F. McCabe,
Mary C. Casto,	Robert McCabe,
William F. McCabe,	Isaac Reed,
Sarah Chase,	Wm. F. McCabe,
James B. McCabe,	Minnie McCabe,
Lynold McCabe,	Albert C. Casto,
James R. Casto,	John A. Casto,
Margarette Casto,	Myrtle Casto,
William Casto,	Charles Casto,
Mary C. Cox,	Elmer McCabe,
Bessie McCabe,	Stella McCabe,
Lora McCabe,	Lawrence McCabe,
Robert F. McCabe,	Isaac McCabe,
Stella B. Chase,	Nellie B. Chase,
Lemella M. Chase,	Charles M. Lanehmer,
William A. Lanehmer,	Sarah Park,

Martha Jennings,	Grant Lauchner,
Sulla M. Lauchner,	Clarence M. Lauchner,
Maude Lauchner,	James M. Lauchner,
Ray J. Jennings,	Anata M. Jennings,
Ela Belle Jennings,	Rasella York,
Mary May York,	Charles William York,
William H. Celoway,	Thomas Jefferson Pittsenbarger,
Cla M. Lawrence,	Jessie S. Lawrence,
Lewis H. Harman,	Peter M. Harman,
Sarah E. Couch,	Charles C. Harman,
Margarette Bray,	James Harman,
Paskell Harman,	Lewis G. Harman,
Lela Bacon,	Lewis F. Harman,
[illegible] Harman,	William Harman,
Minnie Harman,	Eva Harman,
Charles E. Couch,	Maggie Couch,
Fannie Couch,	William M. Harman,
Maggie F. Harman,	Lewis A. Harman,
Belle Bray,	Mary Bray,
Alice Bray,	Samuel Bray,
Orie E. Harman,	Lee Harman,
Mable Harman,	Claude C. Bacon,

Grant Harman, praying admission to the rights of Cherokee Citizenship claiming through Christopher Harman who is alleged to have been a Cherokee Indian by blood; that on the 2nd day of Oct. 1896 appellee herein filed demurrer and answer;

That on Nov. 7th, 1896 said application was by said Commission denied no reasons being assigned therefor; that on the 19th day of Dec. 1896 said applicants, the appellants herein appealed to the District Court of the United States sitting at Muskogee, Indian Territory.

- 11 -

That said applicants filed in support of their application the affidavits of the following named persons to-wit:

Mary A. Reed,	Craten Miller,
M. L. Reed,	Elizabeth A. Brown,
John Pittsenbarger,	Lewis M. Harman,
Carrie Eggleston,	William Matory,
Francis Crosswhite,	Stephen A. Pittsenbarger and

Samuel Lauchner and a receipt from J. C. Duncan, abstract of roll of 1838;

That the appellee herein filed no testimony in support of its answer;

- 111 -

That Louisa M. Trotter, Christopher Pittsenbarger, Henry Pittsenbarger, Francis M. Pittsenbarger, Mary A. Reed and Thomas J. Pittsenbarger are the children of Catherine Pittsenbarger;

That Catherine Pittsenbarger was the daughter of Christopher Harman;

That the said Christopher Harman was a brother of John Harman referred to in application;

That Charles M. Lauchner is a son of Sallie Lauchner nee Harman who was a daughter of the aforesaid Christopher Harman;

That Lewis M. Harman is the son of the aforesaid Christopher Harman;

That no application of Francis Crosswhite appears with the papers;

That lineal descendants of the aforesaid Louisa M. Trotter are as follows:-

Albert V. Trotter,	son,
Flora Belle Miller,	daughter,
Lorena C. Brown,	daughter,
John W. Trotter,	Son,
William A. Trotter,	Son,

Carl Tretter,	son,
James H. Tretter,	son,
Maggie V. Fields,	daughter,
Leha F. Tretter,	granddaughter,
Roxey R. Tretter,	Gradnson,
Gladys F. Tretter,	granddaughter,
Ruby C. Tretter,	granddaughter,
Lyle E. Tretter,	grandson,
George A. Hutchsinger,	grandson,
Carl Miller,	grandson,
Crayton L. Miller,	grandson,
Lester R. Miller,	grandson,
Cloe Miller,	granddaughter,
Emily A. Miller,	granddaughter,
Gracie A. Brown,	granddaughter,
Mable M. Brown,	granddaughter,
Goldie Brown,	granddaughter,
James L. Brown,	granddaughter,
Hazel M. E. Tretter,	grandson,
Dale E. Tretter,	gradnson,
Gaither C. Tretter,	grandson,
Iva Tretter,	granddaughter,
Lula Tretter,	granddaughter,
Ruby Fields,	granddaughter.

That the lineal descendants of the aforesaid Christopher Pittsenbarger, are as follows:-

John A . Pittsenbarger,	son,
Stephen A. Pittsenbarger,	son,
Charles M. Pittsenbarger,	son,
Marcus L. Pittsenbarger,	son,
Alena J. Pittsenbarger,	daughter,
Rosella E. Flemmell,	daughter,
Jacob L. Pittsenbarger,	son,

Lenard G. Pittsenbarger,	son,
Mary L. Pittsenbarger,	daughter,
Carry L. Eggleston,	daughter,
Harry Eggleston,	grandson,
Leona Eggleston,	granddaughter,
Elizabeth Eggleston,	granddaughter,
Floyd Eggleston,	grandson.

That the lineal descendants of the aforesaid Henry Pittsenbarger are as follows:- Harriet Ketchem, daughter, Mary C. Thompson, daughter, William R. Pittsenbarger, son;

That the lineal descendants of the aforesaid Francis M. Pittsenbarger are as follows:-

John A. Pittsenbarger,	Chas. A. Pittsenbarger,
Gertie A. Pittsenbarger,	Samuel L. Pittsenbarger:

That the lineal descendants of the aforesaid Mary A. Reed are as follows:

James F. McCabe,	son,
Mary C. Caste,	daughter,
Robert McCabe,	son,
Grant Lauchner,	son,
Sulla M. Lauchner,	grandson,
Clarence W. Lauchner,	grandson,
Maude Lauchner,	granddaughter,
James E. Lauchner,	grandson,
Ray J. Jennings,	grandson,
Aleta M. Jennings,	granddaughter,
May Belle Jennings,	granddaughter,
Rosella York,	granddaughter,
Mary M. York,	granddaughter,
Chas. William York,	grandson,

That William E. Calloway is a nephew of the said Chas. E. Lauchner;

That Ola M. Lawrence and Jesse S. Lawrence are minor

and grandneice respectively of the aforesaid Thomas J. Pittsenbarger;

That the lineal descendants of Lewis M. Harman aforesaid are as follows:

Peter Harman,	son,
Sarah E. Couch,	daughter,
Chas. C. Harman,	son,
Margarette Bray,	daughter,
James Harman,	son,
Paskell Harman,	son,
Lewis G. Harman,	son,
Lela Bacon,	daughter,
Lewis F. Harman,	grandson,
Emma Harman,	granddaughter,
William Harman,	grandson,
Minnie Harman,	Granddaughter,
Eva Harman,	granddaughter,
Chas. M. Couch,	grandson,
Maggie Couch,	daughter,
Fannie Couch,	daughter,
William M. Harman,	grandson,
Maggie F. Harman,	granddaughter,
Lewis A. Harman,	grandson,
Belle Bray,	granddaughter,
Mary Bray,	granddaughter,
Alice Bray,	granddaughter,
Samuel Bray,	grandson,
Orie E. Harman,	grandson,
Leo Harman,	grandson,
Mable Harman,	granddaughter,
Claude Bacon,	grandson,
Grant Harman,	grandson,

-IV-

I find that these applicants are all lineal descendants of Christopher Harman as herein before shown; that the said Christopher Harman was a brother of the whole blood of one John Harman referred to herein; that the said John Harman is shown to have been an enrolled member of the eastern tribe of Cherokees and that it is shown that he came to or was removed to the Indian Territory;

That it is not shown that the said Christopher Harman was an enrolled Cherokee but that it is shown that he was a recognized and acknowledged Cherokee Indian by blood in the State of Tenn., where he resided; that these applicants are all Cherokee Indians by blood;

That Louisa M. Tretter resides in the Cherokee Nation Indain Territory; that the evidence does not show that any of her of said applicants reside in said Cherokee Nation, that it is not shown that either of these applicants were ever enrolled by the Cherokee Nation as Cherokee Indians by blood since the removal of said Nation to its present location; that the evidence shows that said family have made applications in 1889 and 1890 to the proper authorities of the Cherokee Nation and filed a great number of affidavits, but said application appears never to have been passed upon.

- V -

Appellants contend, they having shown that they are Cherokee Indians by blood and that their ancestors were acknowledged Cherokee Indians by blood and that they have sought in good faith to obtain enrollment from the Cherokee Nation without adjudication that they are entitled to be enrolled as Cherokee Indians by blood and to all the rights and benefits which attach to such citizenship.

While appellee contends that it not having been shown that either of these applicants had ever enrolled by the Cherokee Nation as a Cherokee Indian by blood since the removal of said Nation to

its present location; that applicants are barred from being enrolled at this time.

I respectfully ask that a reasonable fee be allowed me as Master herein. Masters fee paid.

Respectfully submitted this 28th day of Sept. 1897.

signed, Edgar Smith,

(see over) Special Master.

I, the undersigned, do certify as stenographer to the Commission tothe Five Civilized Tribes, that the above and foregoing is a true and correct copy of the original.

File with C. D. #609

IN THE UNITED STATES COURT OF THE INDIAN TERRITORY,

NORTHERN DISTRICT AT MUSKOGEE.

Louisa E. Trotter et al
vs No. 63
The Cherokee Nation.

Supplemental Report.

Now attention having been called to the fact that the names of some of the applicants embraced herein have been omitted fr from the foregoing report, I herewith submit the following finding in connection with the foregoing report.

I find that upon examination of the papers herein that Wm. Castoe and Sarah Castoe, Wm. P. Castoe, Fred Cox, Nellie Castoe, Lawrence, Robert F., Isaac R. McCabe, Gertrude York, Stephen Wesley, Louella Pittsenbarger, Rena Parish, Amos Reed, were embraced in the original application.

That the above named applicants are related to those applicants heretofore mentioned on the foregoing report, whose relation to the common ancestor has already been therein shown, as follows to-wit:- Sarah and Wm. Castoe are children of James R. Castoe who was the grandson of the aforesaid Mary A. Reed;

W. P. and Nellie Castoe are the children of [redacted] John A. Castoe who was also a grandson of the aforesaid Mary A. Reed; that Amos Reed is the son of Isaac Reed also the son of the aforesaid Mary A. Reed;

Lawrence, Robert F., Isaac R. McCabe are children of Wm. F. McCabe also the son of the aforesaid Mary F. Reed;

Gertrude York is the daughter of Sarah York who is the daughter of Chas. W. Lansdner mentioned in the foregoing report;

Stephen Wesley and Louella Pittsenbarger are the children of Chas. J. Pittsenbarger mentioned in the foregoing report;

Rena Parrie is a daughter of Henry Pittsenbarger mentioned in the foregoing report.

That the evidence in the foregoing case does not show how long the said Louisa E. Trotter has resided in the Cherokee Nation; that the family was originally from the State of Tenn.

Respectfully submitted,

9/28/97.

signed, Edgar Smith,

Special Master.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original.

File with C. D. #609

IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,
NORTHERN DISTRICT AT MUSKOGEE.

Louisa E. Trotter et al

vs No 63 Supplemental Report.

The Cherokee Nation.

I, Edgar Smith, Special Master in the above entitled cause respectfully submit to the Court that under and by virtue of the order of resubmission herein of date Nov. 9th, 1897, and in accordance with the notice given by me as such Special Master as provided by law I heard testimony in the above entitled cause on Nov. 15th 1897 and I find as follows to-wit:-

That Louisa E. Trotter and her family (except Lonina Brown and her family and Flora Miller and her family and Albert V. Trotter and his family) reside in the Cherokee Nation; that Lovina C. Brown resided in the Cherokee Nation for about 8 years and left the Cherokee Nation about one year ago with the intention of returning if their application for citizenship to the Cherokee Nation should be passed upon favorably; that the said Flora Miller and her family and the said Albert V. Trotter and his family have never resided in the Cherokee Nation; that Francis M. Pittsenbarger and his family, Henry Pittsenbarger and his family, Thomas Jefferson Pittsenbarger and his family, Ella Lawrence and her family, Mary C. Castoe and her family, Isaac Reed and his family and Chas. M. Laumbner and his family reside in the Cherokee Nation; that the said Francis Pittsenbarger, Henry Pittsenbarger, Thos. Jefferson Pittsenbarger, William Castoe, Chas. M. Laumbner and Isaac Reed together with their respective families have resided in the Cherokee Nation for the last nine years;

That Louisa E. Trotter and her family with the exceptions above stated have resided in the Cherokee Nation for the last 8 years That Mary A. Reed resided in the Cherokee Nation for 8 years and

left the said Nation immediately after the application was filed before the Commission to the Five Civilized Tribes.

William T. McCabe improved a farm in the Cherokee Nation and left the improvement about one year afterwards, leaving some household goods and declaring his intention to return to the Cherokee Nation.

The applicants herein were from Missouri to the Indian Territory and the family was originally from the state of Tenn.

Respectfully submitted this 16th day of Nov. 1897.

Signed, Edgar Smith.

Special Master.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original.

File with C D #609.

Louisa M. Trotter et. al.

vs No. 63

The Cherokee Nation. Additional Report.

I, Edgar Smith, Special Master herein respectfully submit to the Court that the following named persons whose names appear to have been omitted from the original report were embraced in the original application to-wit:-

Earnest C., Edith R., Geo. V., and Joseph Pittsenbarger who are children of John P. Pittsenbarger mentioned in the foregoing report, also Raymond B. and Chas. A. Pittsenbarger who are the children of Stephen A. Pittsenbarger mentioned in the foregoing report.

Respectfully submitted this 28 day of Sept 1897.

signed, Edgar Smith,

Special Master.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the original.

BY THE COURT:

It seems that there are 147 applicants for citizenship in the Cherokee Nation embraced in this case. The Special Master's report is very thorough and exhaustive; no exceptions having been taken to it. A supplemental report is also submitted and made a part of this opinion.

The applicants in this case base their right to be enrolled as citizens of the Cherokee Nation on the ground that they are the descendants of Christopher Harmon, who is alleged to have been a Cherokee Indian by blood, who was a brother of one John Harmon, who was a member of the Eastern Band of Cherokees, and that he was recognized as such in the State of Tennessee. It appears from the supplemental report in this case that some of the applicants reside in the Cherokee Nation, but that the longest time of the residence of any one of them is stated to be nine years. The other applicants are non residents of the Indian Territory. The facts further show that the family made application in 1889 and 1890 to the Cherokee authorities for enrollment as citizens of the Nation, but this application appears never to have been passed upon. It does not appear whether these applications were made to a Cherokee Commissioner or to the Council. The contention as exhibited by the Master is solely upon the fact that they are Cherokees by blood.

The court is of the opinion that the judgment of the United States Commission should be affirmed, and the applications of the claimants to be enrolled as citizens of the Cherokee Nation is denied

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original.

AFFIDAVIT.

UNITED STATES OF AMERICA, /
INDIAN TERRITORY, ss
NORTHERN DISTRICT \

In the matter of the application of Myrtle Hall for enrollment as a Cherokee ~~Indian~~ citizen

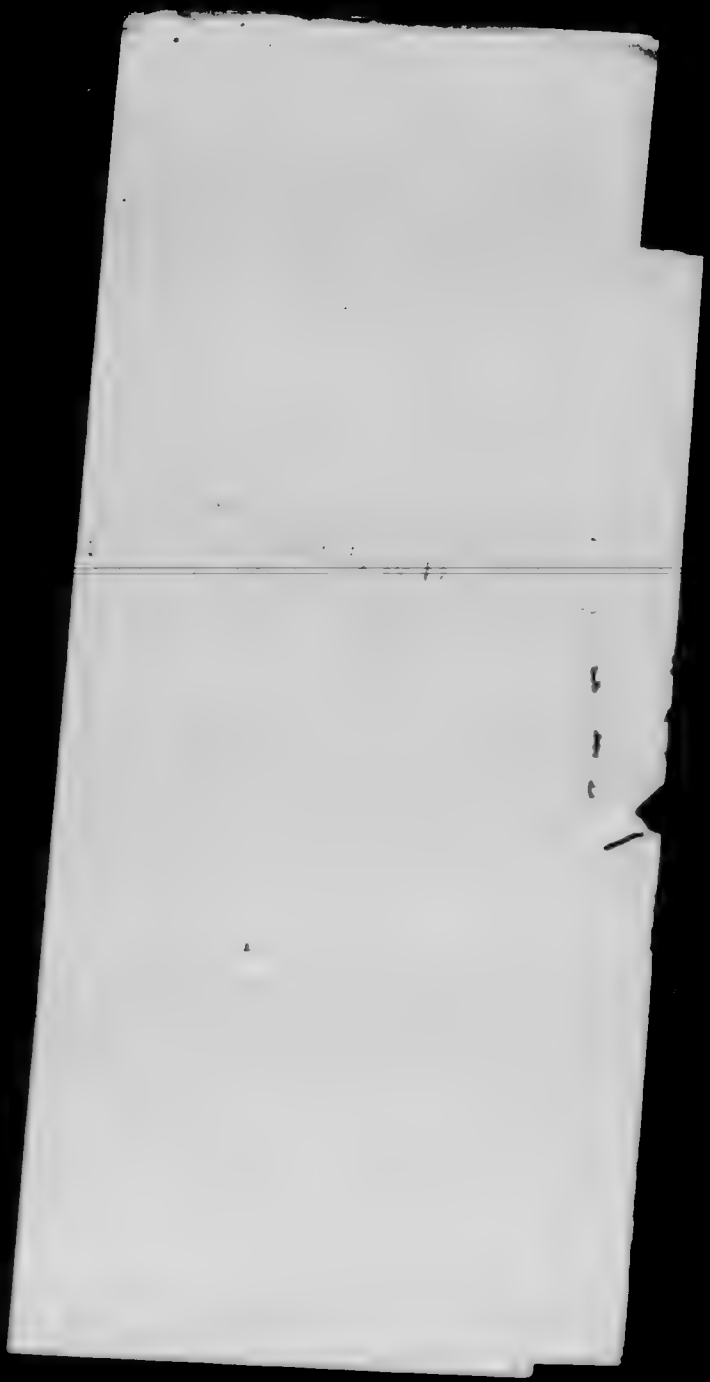
No. 509.

Henry Pack of lawful age, being duly sworn on oath states that on the 14th day of February A. D. 1902 he registered to Myrtle Hall whose postoffice is Bluejacket Indian Territory, a notice a true copy of which is attached to this affidavit and he hereto attaches the receipt of the Postmaster at Muskogee Indian Territory and that on the 26th day of February he received the return receipt which is herewith presented signed by the said Myrtle Hall showing that he said registered mail matter

Henry Pack

Subscribed and sworn to before me this 26th day of February A. D. 1902

J. C. Stall
Notary Public.



D.

TERRITORY,
NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal of the Cherokee Nation

NOTICE!

IN THE MATTER OF the application of Myrtle Hall
for enrollment as Cherokee citizens:

Case No. D 509

To Myrtle Hall, Bluejacket, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 28th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of February, 1902.

W. W. Hastings

Attorneys for the Cherokee Nation

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1900

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

OCT 3 1900

Date ..... 1900.

Name

District

Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS H. NEEDLES
C. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902

Mr. Edward Lafayette Hall,

Bluejacket, Indian Territory,

Sir:-

You are hereby notified that the application of Myrtle Hall

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

28th day of February, 1902.

[illegible]

[illegible]

Respectfully,

[illegible]

Commissioner in Charge.

Cherokee D-501.

Vinita, Indian Territory, January 2, 1903.

Myrtle Hall,

Bluejacket, Indian Territory.

Dear Madam:

There has heretofore been mailed to you, a notice requiring you to appear before this Commission for the purpose of giving additional testimony relative to your right to enrollment as of September 1, 1902, as a citizen by intermarriage of the Cherokee Nation.

This testimony has not yet been introduced, and you are now notified that until same is presented, your application for enrollment will not be complete.

You can appear before the Cherokee Land Office of the Commission at Vinita, Indian Territory, on or before February 2, 1903, for the purpose of giving this testimony.

You are requested to present this letter when you appear for the purpose of giving such testimony.

Very truly,

Acting Chairman.

EP

Cherokee D-509.

Vinita, Indian Territory, March 10th, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

I have the honor to transmit herewith for decision, the record in the matter of the application of Myrtle Wall, Cherokee D-509, the same being now deemed complete.

Respectfully,

Clerk in Charge.

Enc. C-66.
JOC.

Cherokee No.
D. 509

Muskogee, Indian Territory, January 10, 1907.

Myrtle Hall,

Bluejacket, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D509

Muskogee, Indian Territory, March 14, 1907.

Myrtle Hall,

Bluejacket, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 28, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
& et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 14, 1907, rejecting the application for the enrollment of Jane Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enc. 1-1-M

Cher R 1111

Trans. from Cher D-516

Cher R 1111

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., OCTOBER 4, 1900.

In the matter of the application of George W. Franklin for enrollment of himself, wife and children as citizens of the Cherokee Nation, said Franklin being sworn by Commissioner Needles, testified as follows:

Q What is your name? A George W. Franklin.
Q What is your age? A 44.
Q Your post office? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood or intermarriage? A I am a Cherokee-Delaware by intermarriage between the Cherokees and Delawares in '52, not of white blood.
Q Who [illegible] A [illegible], wife and eight children.
Q What is [illegible]'s name? A [illegible].
Q What is [illegible]'s age? A [illegible].
Q Is [illegible] by blood? A No sir.
Q What [illegible] A No Sir.
Q What are the names of [illegible] A [illegible].

324.

The said George W. Franklin and his wife Viranda, are not enrolled on the authenticated roll of '60, and are not recognized by the Cherokee nation as citizens; in other words, the said George W. Franklin has married out. He avers, however, that he stands in the attitude of a Cherokee citizen of Shawnee blood, which averment is denied by the representatives of the Cherokee Nation; consequently final judgment as to the enrollment of the said George W. Franklin, his wife, and children, will be suspended, and their names placed upon a doubtful card.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

[illegible] day of October, 19[illegible].

[illegible]

[illegible].

Supplemental D-file.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 3, 1900.

In the matter of the application of Jerre Franklin for the enrollment of himself and family as Cherokees.
Thomas Rogerty, being sworn and examined by Commissioner Breckinridge, testified as follows.

BY COMMISSIONER BRECKINRIDGE:

Q What is your name? A Thomas Rogerty.
Q To what Indian tribe do you belong? A Cherokee.
Q Where do you live? A At Vinita.
Q Mr. Rogerty, Jerre Franklin, whose name appears on the Commission's roll of Cherokee
[illegible] A Yes, sir.
Q Is he [illegible] A Yes, sir.
Q Does the name of Jerre Franklin appear upon the Cherokee roll of 1880? A Yes, sir.
Q Where is he living now? A At Vinita.
Q [illegible] A [illegible]
Q [illegible]
A [illegible]
Q [illegible] A Yes, sir.

Cherokee Build.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of George W. Franklin for the enrollment of his wife and children as Cherokee citizens.

Appearances:
[illegible], of Vinita, I. T., attorneys for the applicants.
W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The application and this attorneys were notified by registered letter February 11, that this case would be taken up by the Commission on March 3, 1902, for final consideration. The applicants [illegible] by his attorneys [illegible], Vinita, I. T.

GEORGE W. FRANKLIN, [illegible] sworn by [illegible], testified as follows:

[illegible]

BY M. MELLETTE:

Q When you married under this license where did you bring your wife?
A I brought her that same evening that we was married to Vinita, Cherokee Nation, and next morning I went out to my farm.
Q Where were your children born whom you have applied for here?
A They were all born in the Cherokee Nation.

BY M. CASTLES:

Q Mr. Franklin, you are a white man yourself? A I don't claim to be anything but white blood.
Q Your wife is a white woman? A Yes. She is a white woman; I have never disputed that.
Q Neither of your names appear upon the roll of 1896? A We were here, but it seems from what you say that they don't appear there; I thought they ought to appear on all the rolls.
Q They are not found on that roll. A [illegible] may, I haven't had access to them, but I know we were living here at that time, [illegible]
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q And [illegible] by your children?
A [illegible]

D 516 - 3.

SUPPLEMENTAL, of same date as above.
Applicant, George W. Franklin, recalled for further examination.

BY [illegible] ELLETTE:
Q Mr. Franklin, in the certified copy of your marriage license you filed in your case your residence is put down as Johnson County, Kansas; how did that happen? A Why when I went to marry up there why she livedthere and I courted her mostly by letter, and went up occasionally, and I went up there to marry and there was a friend of mine I asked to go to [illegible] Olathe Kansas and get the license, and he went and got the license, and he got on the 9th and got the license for me and I married on the 10th, and I just handed them over to the preacher and I never [illegible] see them any more and I never [illegible] was written.
Q You were not living in Johnson County at that time? A No sir, I was not. I sent a man after the license and I don't know how he [illegible] was done, I never looked at them to see how it was done, I supposed it was all right, and I [illegible] at all, and I [illegible].

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
VINITA, I. T., OCTOBER 4th, 1900.

In the matter of the application of James H. Wimer for the enrollment of himself and children as citizens of the Cherokee Nation; said Wimer being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A James H. Wimer.
Q What is your age? A 30.
Q What is your post office address? A Afton.
Q What district do you live in? A Delaware.
Q Are you a Cherokee citizen by blood? A No sir.
Q By intermarriage? A Yes sir.
Q For whom do you apply? A Myself and three children.
Q Your wife? A Yes sir.
Q What is the name of your children? A Mabel A.
Q How old is she? A Seven years old.
Q Next one? A Etc.
Q How old is he? A Three years old.
Q Girl? A Florence A.
Q [illegible]
Q [illegible]
Mr. [illegible] A Yes sir.
Q Is your wife living? A [illegible]
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.

J. O. Rosson, being first duly sworn, sates that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this 9th day of October, 1900.

C. R. Breckinridge.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., OCTOBER 4th, 1900.

In the matter of the application of Dora M. Franklin for enrollment as a citizen of the Cherokee Nation; said Franklin being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Dora M. Franklin.
Q What is your age? A 22.
Q What is your post office address? A Vinita.
Q What district do you live in? A Coowescoowee.
Q Are you a recognized citizen by blood? A No sir.
Q What is the name of your father? A G. W. Franklin, and he claims his right through the Treaty between the United States and Cherokees-- Treaty of '66.
Q What is your mother's name? A Victoria.
Q Is she living? A Yes sir.
Q Your mother's name is G. W.? A G. W. Franklin.
Q You say your father claims citizenship A Through the Treaty of '66? Does he receive any money, annuity or what?
Q Was your mother a full blood? A Yes sir.

Cherokee D F 3.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Dora . Franklin for enrollment as a Cherokee citizen.

Appearances:
r. Vellette, of Vellette & Vellette, appears for the applicant, Vinita I. T.
W. W. Hastings, attorney for the Cherokee Nation.

[illegible]

[illegible]

"R"
Cherokee D 507.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of James P. Wiser for the enrollment of his minor children as Cherokee citizens.

Appearances:
Mr. Mellette, Mellette & Smith, Vinita, I. T., attorneys for the applicants;
T. W. Hastings, attorney for the Cherokee Nation.

IT APPEARING: That applicant's letter, James P. Wiser, was submitted by request December 17, 1901, that the application of [illegible] for enrollment as citizens of the Cherokee Nation [illegible] consideration by the Department, January, 1902, exhibits were accompanied by [illegible] letter, [illegible] on [illegible] March 1, 1902, [illegible] by the [illegible] represented [illegible]

Q She was a white woman? A Yes sir.
Q You married in Kansas in '74, didn't you testify the other day?
A Yes, I married her in Kansas in '74.
Q You are a white man? A Yes sir. I am white blood, I call myself a white Shawnee.
Q You have no Shawnee blood? A I have no Indian blood, no sir.

BY COMMISSION: There is offered in evidence by the attorney for the applicant duly executed affidavits as to the births of Jacob F. Wimer and Pamelia V. Wimer the children of James F. Wimer and Pamelia E. Wimer.

It is directed that copies of the testimony had in the matter of the application of the applicants' grandfather, George W. Franklin, Cherokee No. D-516, be filed with and made part of the record in this case.

The attorney for the applicants as the representative of the Cherokee Nation present in this case, the case is now closed and referred to the Commission for final decision based upon the evidence part of record.

The attorney for the applicant requests and will be granted if same is desired to file a brief, same to be filed with the Commission and copy to the representative of the Cherokee Nation.

Cover.
Suppl'l to D 516.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 1[illegible], 1902.

In the matter of the application of GEORGE W. FRANKLIN, for the enrollment of himself and his children GEO[illegible] W. [illegible], HAR[illegible]., JESS[illegible]., and BASIL W. FRANKLIN, as citizens of the Cherokee Nation, of Shawnee blood, and for the enrollment of his wife, VERA DA FRANKLIN, as a citizen by intermarriage of the Cherokee Nation.

GEO[illegible] W. FRANKLIN, being duly sworn and examined by the Commission, testified as follows.

Q What is your name? A ~~George~~ W. Franklin.
Q How old are you? A Sixty-six.
Q What is your post office address? A Vinita, I. T.
Q You have [illegible] your right to be enrolled as an intermarried citizen of the Cherokee Nation?
A I [illegible] intermarried [illegible] enrolled on the tribal rolls and [illegible].
Q Are you [illegible] enrolled? A Yes sir.
Q Where [illegible]
Q [illegible] A [illegible].
A [illegible].
Q You [illegible]
A [illegible].
Q [illegible] A [illegible].

Q These children have lived in the Cherokee Nation all their lives? A They were born and raised in the Cherokee Nation and have never been out but a short time.
Q What is Hattie's name? A Hattie M.

The Commission: Upon an examination of the register of those who moved to the Cherokee Nation under the terms of the treaty between the Shawnee tribe of Indians and the Cherokee Nation, on the 9th day of June, 1869, shows the name of this applicant, George Franklin, thereon, as George Franklin, #343.

Examined by T. C. Starr:

Q Mr. Franklin, you are a white man? A I am by the blood, but was made a Shawnee through adoption.
Q Your present wife is a white woman? A Yes sir, I have never denied that. I call myself a White Shawnee, under the treaty of 1869, and [illegible] a family.

[illegible]

T. C. Darnell,

[illegible] December 24, 1906.

[illegible],

[illegible]

Final.

SHAWNEES.

Register of the names of members of the Shawnee Tribe of Indians who have moved to and located in the Cherokee Nation, Indian Territory, (prior to the 10th day of June 1871) within two years from the 9th day of June 1869, in accordance with an agreement enter into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians, through their delegations in Washington City, D.C.United States of America, on the 7th day of June 1869, and approved by the President of the United States on the 9th day of June 1869, in accordance with the XV Article of the Cherokee Treaty with the United States, proclaimed August the 11th 1866.
This the 9th day of June A. D. 1871.

.....
.....
.....
343 Franklin, Geo.
.....
.....

OFFICE OF THE EXECUTIVE DEPARTMENT.

CHEROKEE NATION, IND. TER.
Tahlequah, April 14, 1871.

This is to certify that the foregoing is the original [illegible] of the register of names of the members of the Shawnee Tribe of Indians who have moved to and located in the Cherokee Nation," in accordance with an agreement made and entered into by and between the said Shawnee Tribe of Indians and the Cherokee Nation of Indians, through their delegates, on the 7th of June, 1869, and that a true copy of the same has been taken and retained in this office, and that on the 4th of August the ratification of the agreement herein mentioned was proclaimed, and that the Shawnees registered have been declared to be Cherokee citizens, it being understood that the ratification is published by United States Government, that there is no law to the final settlement of the agreement [illegible] of the United States [illegible], after the [illegible] to the distribution of annuities among the Shawnees. They are [illegible] Cherokee citizens.

In testimony of which I have hereunto set my hand and [illegible] the day and year above written.

[illegible]
Principal Chief Cherokee Nation.

We, the [illegible] Chiefs of the Cherokee Nation of Indians, hereby certify that [illegible] of the Shawnee Tribe of Indians who have moved into the Cherokee Nation, in accordance with an agreement made and entered into by and between said Shawnee Tribe of Indians and the Cherokee Nation of Indians, through their delegations in Washington City, D.C. and approved by the President of the United States, June 9, 1869, and ratified by the proclamation of the President, August 11th 1866.

This the 3rd day of August 1871.

[illegible]
Principal Chief of the Cherokee Nation.

[illegible]
Assistant Principal Chief of the Cherokee Nation.

[illegible]
Delegate of the Shawnee Tribe of Indians.

This is to certify that the foregoing is a true copy of the original [illegible] on file in the Executive Department of the Cherokee Nation, and in all things is true and correct [illegible] the same.

[illegible]

Copied and certified to by order of the Principal Chief.

(Signed) W. L. G. Miller,
Tahlequah, C. N. Private Sec. to the Prin Chief.
August 13th, 1871.

This is to certify that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy, and that the same is a true and correct copy of the portion of the Shawnee Register containing the name of George Franklin, among others, who moved to and located in the Cherokee Nation.

Ella Mielenz.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF GEORGE W. FRANKLIN, FOR ENROLLMENT OF HIMSELF, WIFE AND CHILDREN AS CHEROKEE CITIZENS.

CHEROKEE DOUBTFUL. # 516.

--:BRIEF:--

For Applicant.

The testimony in this case shows that the applicant is a registered Shawnee and located in the Cherokee Nation under and by virtue of the treaty between the Cherokees and Shawnees. It further shows that he married his present wife in 1874, in the State of Kansas, and that all the children born of applicant were born in the Cherokee Nation, and have lived exclusively among their kindred.

The testimony further shows that the applicant, his wife and children whilst in Kansas, are on the roll here, of the Cherokee Nation, and are also upon the Shawnee payment roll.

The testimony in this case shows that the applicant has a registered Shawnee, and we submit that he should [illegible] as a citizen [illegible] of the Cherokee tribe by treaty, and entitled to be [illegible] as the children are so decided if that will.

There is contained in the testimony in this case the certificate of Louis Bennett, Chief of the Cherokee Nation, certifying that all [illegible] are registered and enrolled [illegible] Shawnee Council. There is also contained in the testimony the certificate of Thomas Leonard, [illegible] and acknowledged by [illegible] of the Shawnee Tribe of Indians, which says [illegible] that [illegible] Shawnee Tribe of Indians [illegible] Cherokee Nation under

the treaty. These two certificates are attached to the roll of 772 Shawnees who located in the Cherokee Nation as aforesaid.

The agreement between the Shawnees and Cherokees was concluded June th 7th, 1869, and provides in substance that the Shawnees residing in Kansas and elsewhere shall be received as citizens of the Cherokee Nation in consideration of certain funds being transferred by the Shawnees for the use and benefit of the Cherokee Nation.

Said treaty in full, is to be found upon page 403, of the Laws of the Cherokee Nation, Compiled in 1892. Said agreement provides, among other things, as follows:

"And that the said Shawnees shall be incorporated into, and ever after remain a part of the Cherokee Nation, on equal terms in every respect and with all the privileges and immunities of native citizens of said Cherokee Nation, Provided, That all of said Shawnees who shall elect to avail themselves of the provisions of this agreement shall register their names and permanently locate in the Cherokee country on terms provided, within two years of the date hereof."

We are of the opinion that on account of the fact that [illegible] appears upon the roll of the Shawnees and registered and located in the Cherokee Nation under and by virtue of the treaty aforesaid, the Cherokee Nation is bound [illegible] manner prescribed in the treaty of the applicant and [illegible] the Cherokee Nation. The certificate of Lewis Bowling, Clerk of the Cherokee Nation, endorsed George W. Donaldson to be a citizen, with all the rights of a native Cherokee.

We do not [illegible] a discussion of the question of [illegible] but confine this memorandum to what seems applicable to this case.

"Citizens by adoption or naturalization which the law does not permit the Indian nations to confer on aliens, can only be conferred in the manner prescribed by the [illegible]."

Vattel's Law of Nations, page 101.

The certificate of the Clerk of the Cherokee Nation above referred to is in the nature of an [illegible] and is entitled to be given under the seal of the Cherokee Nation.

Mr. Parsons, in his work on Contracts, Vol. 2, page 339, says:

"The general rule, has, however, been asserted which certainly rests upon reason and justice. It is, that where a party has accepted and made his own the benefit of a contract, he has estopped himself from denying in the courts the validity of the instrument by which those benefits came to him."

As a matter of fact the Shawnee Indians bought their rights in the Cherokee nation. By referring to the treaty above mentioned itwill be seen that a large amount of the funds of the Shawnee Tribe was transferred to the Cherokee Tribe of Indians, and that the latter Tribe is now receiving the benefits of the funds thus conveyed. We therefore say that the Cherokee Nation is estopped from denying the rights of any registered Shawnee Indian to all the privileges and immunities enjoyed by a native born Cherokee. The treaty above referred to says in plain words that they shall enjoy such rights. It is unreasonable to say that any registered Shawnee can "marry out"

The testimony in this case shows that George W. Franklin is a white man. Let us suppose for a moment that seven hundred of the 772 registered Shawnees were white by the white blood, will it be contended that those seven hundred registered Shawnees would be deprived of their rights in the Cherokee nation, even though they married white men, but that the Cherokee nation should enjoy all the benefits that it had received from the transfer of annuities from the Shawnee Tribe of Indians without giving anything in return? It seems to me that a construction of this kind would be unreasonable in the extreme.

Not only does the relief of the Cherokee Nation recognize that the registered Shawnees are citizens of the Cherokee Nation, but Section Thirty, and Section Twenty, both grant and constant relief of the Cherokee Tribe of Indians recognize that the 772 persons whose names appear upon the roll of registered Shawnees are members of the Shawnee Tribe.

This Commission holds that a certificate of admission issued by the Cherokee authorities, entitles the holder thereof to all the

right of a Cherokeecitizen. Do not the facts in regard to the admission of the Shawnee Indians as members of the Cherokee tribe, disclose much more solemn and conclusive acts upon the part of the Cherokee Nation, than is indicated by the issue of a certificate of citizenship by any Commission which has ever acted upon the part of the Cherokee Nation?

The Shawnees who emigrated to the Cherokee Nation under the treaty aforesaid, stand in the same attitude of the Delawares who came also under agreement. The Supreme Court of the United States in case of the Cherokee Nation vs. Journeycake, a case wherein the rights of the Delawares in the Cherokee Nation were in controversy used the following language:

"If anything were necessary to show the [illegible] of the agreement, the [illegible] would seem irresistible. At the date of the Delawares, that is those of the tribe who chose to remain [illegible] to the Indian Territory, were [illegible] members of the Cherokee Nation and [illegible] with the native Cherokees in all the rights appertaining to citizenship in the Cherokee Nation. Whatever the Cherokees [illegible] the Delawares were to have, was to be equally [illegible] in the [illegible] Delawares, but to guard against any [illegible] that there was no reservation that the citizens of the [illegible] Delawares should in all respects be placed on a [illegible] footing. This last clause was not important in the case of [illegible] it was [illegible] to prevent any possible [illegible] from arising."

Shawnees equal rights with the native Cherokees in that which was the common property of the Cherokee Nation, to-wit: the reservation and the outlet, as well as all profits and proceeds thereof."

The applicant in this case stands before this Commission as a native Cherokee by treaty and by purchase. He paid for his right. He could not "marry out" but he could confer citizenship upon any white woman whom he saw fit to marry, as well as a native Cherokee. His children born in lawful wedlock would also be citizens of the Cherokee Nation as would the children of a native Cherokee who married a non-citizen.

We do not understand how it can be shown that a registered Shawnee who is 1/4 white blood, stands in a different attitude before this Commission than does a registered Cherokee of Shawnee blood, both of them are entitled to all the rights of native Cherokees, and the [illegible] of this applicant, and all of such applicants, to citizenship.

It will be noted in the case of the Cherokee Nation vs. Journeycake, supra, that the Commission was sued for damages by the Cherokee Nation and a [illegible] decision that the [illegible] of the registered Shawnees should [illegible] requisite as required by native Cherokees, but the Supreme Court of Oklahoma held [illegible] that question was not involved.

"This case [illegible] with the [illegible] citizenship [illegible] to [illegible] the question of the right of [illegible] to self determination of all the rights of their property [illegible] and [illegible]."

It will be [illegible] that the [illegible] of the Cherokee Nation [illegible] the [illegible] of the Cherokee Nation [illegible] the Cherokee Nation [illegible] all of the rights of native Cherokees, and the [illegible] of this applicant, and all of such applicants, to citizenship.

the United States were of the opinion that the children of registered Shawnees were entitled to all the rights of native Cherokees. If the children were entitled to these rights the mother of these children who had married the applicant, a registered Shawnee, is also entitled to equal rights, as the marriage was performed before the 16th day of December, 1895.

We understand that the Cherokee Nation raises no objection to the enrollment of a registered Shawnee of Shawnee blood, and his or her children. We feel there should be no distinction between registered Shawnees of full blood and one of Indian blood. We do not especially like the wording of this Resolution to an Act of the Cherokee Council in the Cherokee Nation, approved June, 1889, providing as such persons shall be entitled to all the rights of native Cherokees. It seems that this recognizes a Cherokee citizen as superior to a full blood Shawnee. The Congress has provided that the members of the Shawnee Tribe may become citizens of the Cherokee Nation by marriage, and we think they should receive the

It is quite certain that those registered Shawnees and their descendants, who lived in the Cherokee Nation from the time they came there under the treaty until the present day, were citizens of the Cherokee Nation on the dates above specified.

The provision last above mentioned does not say those who were recognized by the Cherokee Nation on the dates above specified, but declares that the roll shall include those who were citizens of the Cherokee Nation upon these dates.

It will be noted that the testimony in this case shows that the applicant herein, [illegible] roll and in [illegible] roll referred to, and that they received their [illegible]. They [illegible] roll of [illegible].

submit, however, that this section provides only that adopted white citizens may "marry out" after they have"marriedin." The applicant, George W. Franklin, did not become a citizen of the Cherokee Nation by marriage. He does not stand in the attitude of a white person who become a citizen under the Cherokee law above referred to, and the section above quoted is not in the least applicable to him.

The applicant, George W. Franklin, might be termed a citizen of the Cherokee Nation by purchase, and he can not lose his right in any other manner than can a full blood Cherokee. He could not lose his right by marrying a non-citizen any more than a full blood Cherokee could.

Attention is also called to Sec. 1[illegible], page 33, Compiled Laws of the Cherokee Nation, which provides, that [illegible]

provided that the roll to be made shall show the Shawnees who were citizens of the Cherokee Nation on April 26th, 1886, November the 26th, 1890 and May the 5th, 1894.

The object of the language of this act is very clear when we come to consider certain legislation of the Cherokee Nation which took place in the year 1886, on the 27th of April, and that year the Cherokee Nation passed what is known as the Blood Bill, to be found upon page 37[illegible], Compiled Laws of the Cherokee Nation, 1892. The Council of the Cherokee Nation in this act construed what is meant by the phrase, "All the rights of native Cherokees," and in that act it is declared that neither the Shawnees, Delawares or the Freedmen have any other than civil, political and personal rights in the Cherokee Nation, and that they have no right to the soil, domain or the proceeds thereof. Few, if any, of the Shawnees and Delawares appear by name upon any of the Cherokee rolls in the Cherokee Nation after the date of this bill. The[illegible] appear upon the roll of 1880, the roll of 1894 which was partially[illegible] roll of 1896.

[illegible]

Clayton, Judge of the Central District of the Indian Territory. Said decision, to be found upon page 124, of the 8th annual report of the Commission to the Five Civilized Tribes.

The treaty of 1866 between the Choctaw and Chickasaw nations and the United States, contains the following provision:

Art. [illegible].

"[illegible] of the persons who having married a Choctaw or Chickasaw resident in the [illegible] Choctaw or Chickasaw nation, [illegible] entitled to the benefits [illegible] annuities, [illegible] to the laws [illegible] trial before [illegible] law in all respects, [illegible]."

[illegible]

and therefore void. An act which puts the white man in any respect in a different attitude or condition than the Indian is void.

The Choctaw statute undertakes to deprive the white man who shall lose his Indian wife and afterwards marry a white woman of all the rights of citizenship. The marriage had vested a title to the lands in him. This is to be divested from him and he is thereafter to be considered an intruder, subject to be removed from the country under the intercourse laws of the United States. This, too, notwithstanding the fact that his children, the issue of his Indian marriage, are Indians by blood and entitled to remain.

Now, unless a marriage of a native Indian to a white woman, after his Indian wife shall have died has the same effect on him -- that is decitizenizes him, divests him of all title to the Choctaw lands, and deprives him of the right to live in the country---the statute works an inequality, and the white man does not enjoy the same privileges as the native Indian. The citizenship is different, and the rights flowing therefrom is not the same. The one may do an act that the other may not do, the one has a privilege, that of marrying a white woman, that the other does not enjoy. The intermarriage presents the same question of a wife enjoyed by the native Indian, to invest the title to lands by marriage, and therefore, the provisions of the statute seem to be in conflict with the treaty, are absolutely void; but it seems to me that the effect of the first marriage cannot be taken from the husband by the statute. Of course the [illegible] marriage ceases to exist and the land by the [illegible] vests absolutely.

I therefore [illegible] am not entitled to be enrolled. I only mention the effect of such a marriage with a view of being enrolled; the Indian must [illegible] a legal citizen, his children must follow his citizenship, and if intermarriage leads any property [illegible] not more acquired thereby."

reasoning in the above decision can not be questioned. It seems the only conclusion which could have been reached in that case and a like conclusion it seems to us must be reached in this.

Respectfully submitted.

[illegible]ELLETTE & SMITH,

Attorneys for Applicants.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF DORA FRANKLIN, FOR ENROLLMENT AS A CHEROKEE CITIZEN. CHEROKEE DOUBTFUL, #523.

-:BRIEF AND ARGUMENT FOR APPLICANT:-

The applicant in this case is the daughter of George W. Franklin, Cherokee Doubtful, #510. She was born in the Indian Territory, as shown by the testimony and has lived there all her life. Her case stands upon the decision in her father's case, and this case is submitted on [illegible] in her father's case.

[illegible].

[illegible],

[illegible] Applicant.

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes,

Muskogee, I. T., May 8th, 1902.

In the matter of the application of Dora Franklin for enrollment as a citizen of the Cherokee Nation of Shawnee blood.

No. Cherokee D. 573.

Brief on part of the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T., May 8th, 1902.

In the matter of the application of George W. Franklin et al
for enrollment as citizens of the Cherokee Nation of Shawnee blood.

Chickasaw D. 316.

had married a white woman and therefore it was determined by the National Council the sole Judge of who were citizens of the Cherokee Nation that he had forfeited whatever rights to citizenship he may have had prior to that time under section 666, Compiled Laws of the Cherokee Nation. This roll of 1880 was confirmed by an act of Congress which gives this Commission jurisdiction and the Cherokee Nation desires to insist that the Commission has no more jurisdiction or authority to go behind this roll and enroll a person whose name does not appear thereon than to refuse to enroll a person whose name appears upon said roll.

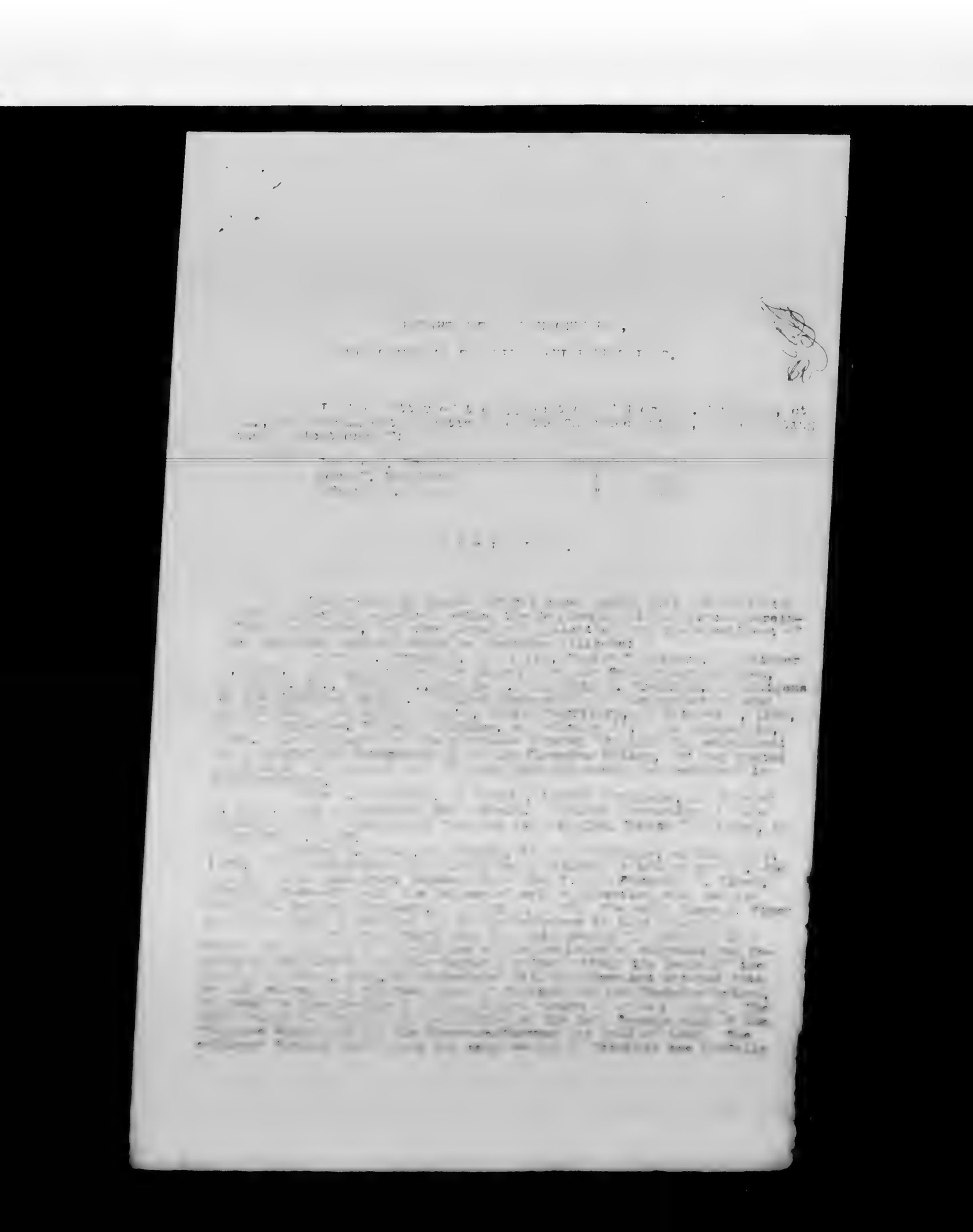
Congress contemplated that there should be some roll confirmed that should be used as a basis and behind which the Commission was not authorized to go, and presumed that the determination by the proper officers of the fact that those who had forfeited their rights to citizenship in the Cherokee Nation by the final rendition of a judgment of the court of a competent jurisdiction in a proceeding for the purpose of the subject matter. This was left [illegible] to determine, [illegible] single man has a wife [illegible] to the first [illegible] but no [illegible] enrollment [illegible] Nation. It is [illegible] citizens [illegible] Cherokee citizens [illegible] that the [illegible] Commission [illegible] Nation [illegible] it is [illegible] Commission [illegible] Nation [illegible] it is [illegible] Commission [illegible] Nation [illegible] it is

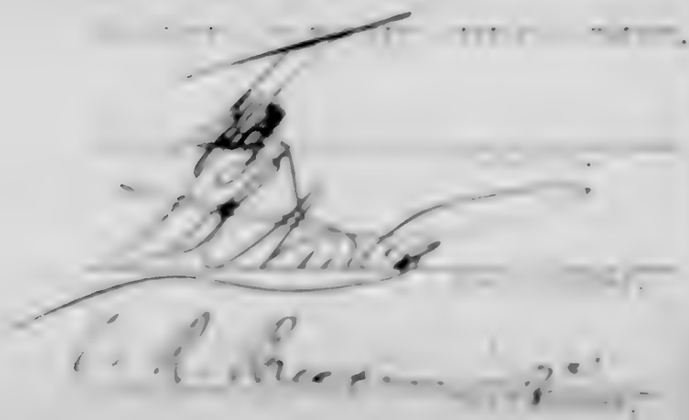
The second question which arises if this man is a white man and if it is adjudged that he is entitled to be enrolled should it carry with it the enrollment of his wife and children who are admittedly white people.

The argument that this man had a vested right in this country is completely refuted by the decision of the supreme court in the Stephens case and the right of the Cherokee nation to determine this mans status in 1880 as decided in the Roff case appealed from the Chickasaw nation where the Supreme Court of the United States declared that the nation having the authority to confer citizenship also has the authority to take it away. We insist that this man [illegible] of Shannon Blair, having adopted his views in opposition to his intermarriage with a Cherokee and [illegible] provisions of the Cherokee law by [illegible] with a white woman that neither he nor his children are entitled to [illegible] by the Cherokee nation.

[illegible]

[illegible]





E.C.V.

COPY.

Cherokee D 516.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of VIRANDA FRANKLIN as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on October 4, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Viranda Franklin as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 5, 1900, and at Muskogee, Indian Territory, February 25, and October 16, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Viranda Franklin, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage March 10, 1874, to George W. Franklin, that the said George W. Franklin, who is identified on the approved partial roll of citizens of the Cherokee Nation, opposite No. 31911, as an adopted white, and on the Shawnee Register, opposite No. 343, is a white man, and acquired his right to enrollment as a citizen of the Cherokee Nation by virtue of his compliance with the provisions of the Agreement between the Cherokees and Shawnee Indians entered into June 7, 1869, and approved by the President June 9, 1869.

In view of the foregoing, it is considered that said applicant acquired no right to enrollment as a citizen by intermarriage of the Cherokee Nation by virtue of her said marriage to George W. Franklin, who is not a citizen of the Cherokee Nation of Cherokee blood.

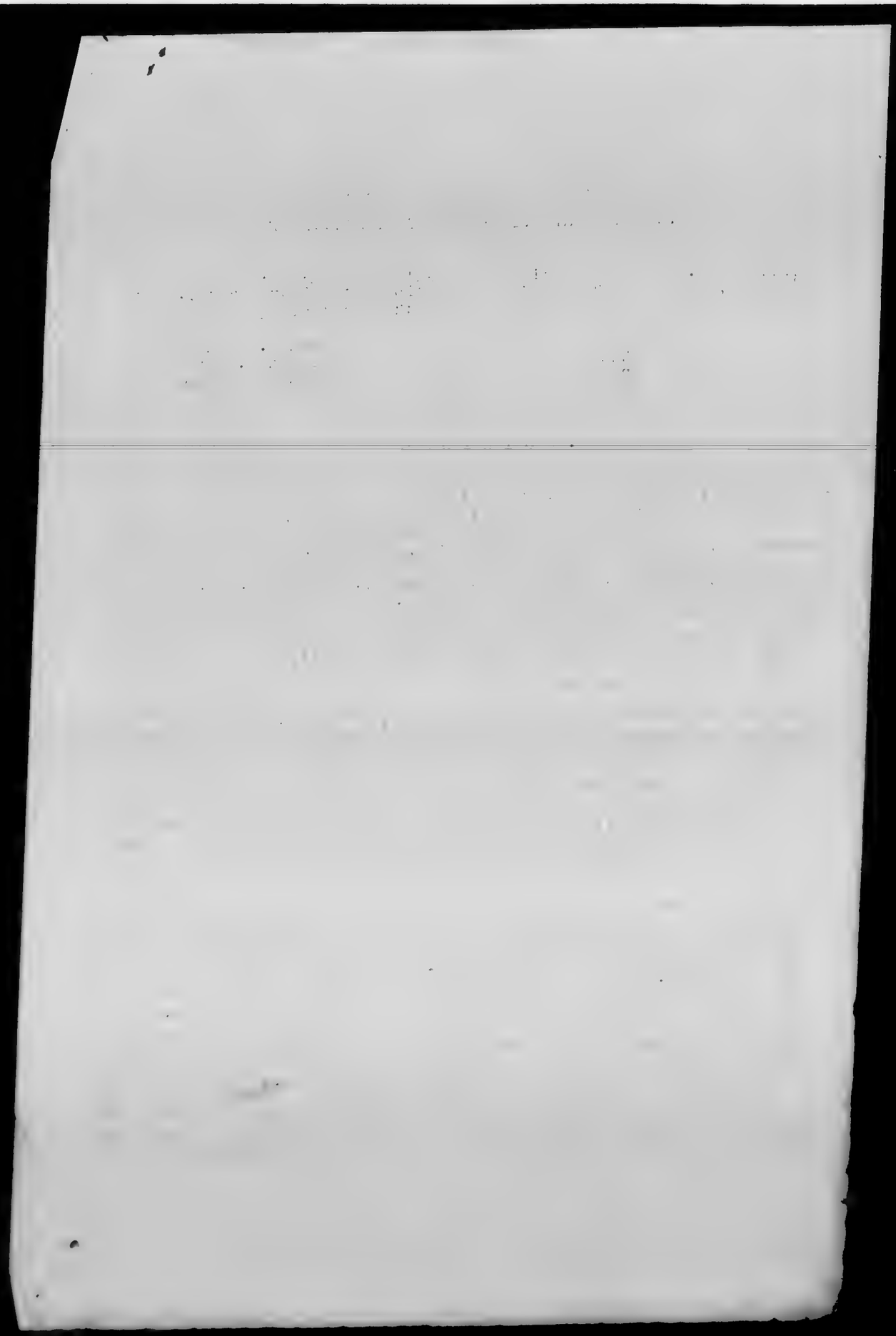
IT IS, THEREFORE, [illegible] AS AFORESAID, That in accordance with the decision of the Supreme Court of the United States, dated November 3, 1906, in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Viranda Franklin, is not entitled, under the provisions of Section 21, of the Act of Congress approved June 28, 1906 (34 Stats., 492), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

[illegible]

Commissioner.

Dated at Muskogee, Indian Territory,

this [illegible]



t further appears that the said Mattie . ranklin was
arried on October 16, 1961, to Lewis . artin. She will now be
listed for enrollment under her present name.

It further appears that said . ., except . . and Verlia
. ner are the children of Permelia . . ainer, deceased, that the
said Permelia . . ner was the daughter of the said Per . . d
Veraree ranklin, and that she was lawful married . ovember 7,
1900, to . . ner. . . is of record on the Dawes
Final enrollment roll, and the minor children, except . . ner, are
enrolled on said roll. . . minor children, except . . ner,
iner, by . . affidavit made for the records
herein.

. . . ence that . . . the said Per . . ranklin
lin was . . . the Cherokee Nation over two le , that the said
Veraree . . ranklin with . . n death . . never since their arriv
that the said Mrs. . ranklin has remained in the Cherokee Nation all
her life, ...
. . . .
. . . .
.

...cpied and certified to be order of the principal Lib...
(Signed) ... ...iller,
...rivate ...ecretary to ...the Prin... i r.

...lo...ugh, ...
...ugust 18th 1871.

Chas E Henderson
at
24
Pleased to Journey

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

DEPARTMENT
RECEIVED
AUG 21 1919
ENCL TO 3813
NO
SEE FILE CLASSIFIED PRICES

WASHINGTON, August 15, 1919

I, E. B. Meritt, - - - Assistant Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a - - true copy of the original as the same appears on file - - in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed on the day and year first above written.

E. B. Meritt

Assistant Commissioner

CERTIFICATE OF TRUE COPY.

United States of America,
INDIAN TERRITORY,
Northern District } ss

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, and ex-officio Recorder of said District and Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of a ~~Charter~~ Marriage ~~Mortgage~~ License filed in my office on the 2 day of Nov., 1901, at ~~o'clock~~ ~~M.~~ and ~~Recorded~~ ~~Released~~ ~~filed~~ ~~1901~~

WITNESS my hand and seal of said Court at ~~Muscogee~~, in said Territory, this 14 day of March A D 1902

Chas A. Davidson
Clerk and Ex-officio Recorder

By C. J. [illegible]
Deputy

the 2 day of Nov. 1901, at [illegible] M. and duly recorded in Book K, Marriage Record, Page 316

WITNESS my hand and [illegible] said Court at Muscogee, in said Territory, this 14th day of [illegible]

Chas A. Davidson
Clerk and Ex-officio Recorder

By [illegible] Deputy

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

No. 208

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are Hereby Commanded [illegible] Kiowa J. Martin
of Tonkawa [illegible] 27 [illegible]
and Nellie Trammell
of Tonkawa [illegible] 24 [illegible]
Tonkawa
Catholic
[illegible]

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA
[illegible]
Northern District
[illegible]
[illegible]
[illegible]

CERTIFICATE OF COPY—Marriage License.

State of Kansas, County of Johnson, ss.

Office of the Probate Judge of said County

Be it Remembered, That on the 9th day of March A. D. 1874

there was issued from the office of said Probate Judge a Mariage License, of which the following is a true copy:

MARRIAGE LICENSE.

No. 14

OLATHE, Johnson County, State of Kansas, March 9th 1874

To any Person authorized by Law to Perform the Marriage Ceremony, Greeting:

You are hereby authorized to join in Marriage George W. Franklin of Johnson Co Kansas aged 38 years, and Veranda White of Johnson Co Kansas aged 17 years, and of this License you will make due return to my office within thirty days

(SEAL) O. B. Hendrickson
Probate Judge

And which said Marriage License was afterwards, to wit on the 8th day of April A. D. 1874, returned to said Probate Judge with the following certificate endorsed thereon, to wit

State of Kansas, County of Johnson, ss.

I, O. B. Campbell do hereby certify, that in accordance with the authorization of the within License, I did, on the 10th day of March A. D. 1874 at the town of Lanesfield in said County join and unite in Marriage the within named George W. Franklin and Veranda White

Witness my Hand and Seal, the day and year above written.

O. B. Campbell
Minister of the Gospel

Attest: O. B. Hendrickson
Probate Judge

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the Probate Court of said County this 9th day of March A. D. 1874.

O. B. Hendrickson
Probate Judge and ex officio Clerk

State of Kansas, County of Johnson, ss.

I, James Kuhrmeyer, Judge of the Probate Court within and for said County, (the same being a Court of Law and Record, having a seal) do hereby certify that the signature subscribed to the above certificate, purporting to be that of O. B. Hendrickson is the genuine signature of the person of that name, Clerk of said Probate Court, and as such has full faith and credit given to his acts as such Clerk, as well in the courts of law as by the people.

Witness my Hand and the seal of said Court at Olathe this 6th day of April A. D. 1874

James Kuhrmeyer
Judge Probate Court



COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T., February 1, 1902

Received of the Commission to the Five Civilized Tribes one original and certified transcript copy of the testimony in the matter of the application of George W. Franklin et al. for enrollment as citizens of the Cherokee Nation.

Attorneys for Applicants.

No. D-516

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date ..... 1900.

Name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Muskogee, Indian Territory, January 31, 1903

Messrs. Hellette & Smith,

Attorneys at Law,

Vinita, Indian Territory.

Gentlemen:

As requested in your letter of January 28, there is enclosed you herewith copy of original and supplemental testimony in the matter of the application of George W. Franklin, et al., for enrollment as citizens of the Cherokee Nation; also, copy of testimony in the matter of the application of George Blakeney et al. for enrollment as citizens of the Cherokee Nation.

Your fee has been entered as attorneys in each of these cases.

Please sign and return the receipts for this testimony.

Yours truly,

Acting Chairman.

2 encl. J-101
Chec. D-814
Chec. D-849

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902

Mr. George W. Franklin,

Vinita, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and four minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

25th day of February, 1902

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to Hallett & Smith,
Vinita, I.T.

Cherokee D-616
Registered.

COPY.

Cherokee D-516,
D-523, D-527.

Muskogee, Indian Territory, July 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting the application of George W. Franklin for the enrollment of himself and his minor children, George W., Jr., Hattie M., Jessie M. and Basil W. Franklin; of Dora M. Franklin for the enrollment of herself; and of James H. Wimer for the enrollment of his minor children, Rebecca D., Jacob W. and Permelia E. Wimer, as citizens of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Enc. C.L.

Commissioner in Charge.

Cherokee D 516

COPY.

Muskogee, Indian Territory, August 11, 1903.

George W. Franklin,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting, among others, your application for the enrollment of yourself and your four minor children, George W., Jr., Jessie M. and Lucile W. Franklin and Walter L. Martin, as citizens of the Cherokee Nation. There has been filed for record [illegible], dear Sir, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the [illegible] and that the [illegible] of this date, a copy of [illegible] has been forwarded to [illegible].

The testimony, with the record and proceedings had in the case, has been transmitted to the Secretary of the Interior for his action thereon. The action of the Secretary will be made known to you as soon as [illegible].

Respectfully,

[illegible]

Commissioner to the Dawes

Cherokee D 516
" " 523
" " 527

Muskogee, Indian Territory, August 11, 1903.

Edgar Smith,

Atty. for George W. Franklin et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, in the consolidated case of George W. Franklin et al., granting the application for the enrollment of George W., George W., Jr., Jessie M. and Basil W. Franklin, Mattie M. Martin, Dora M. Franklin, Rebecca D., Jacob F. and Permelia M. Wimer, as citizens of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest has been furnished the principal applicant by the attorney for the nation.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enclosure C-4
Register

Commissioner in Charge.

Cherokee D 516-523-527.

Muskogee, Indian Territory, August 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George W. Franklin et al., including the Commission's decision dated June 1, 1903, granting the application for the enrollment of George W., George W., Jr., Jessie M. and Basil W. Franklin, Hattie M. Martin, Dora M. Franklin, Rebecca D., Jacob P. and Permelia E. Wimer, as citizens of the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

Respectfully,

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enclosure C-1

COPY.

Refer in reply to the following:
Land 52369/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, March 17, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated August 21, 1903, transmitting the record relative to the application of George W. Franklin, et al., for enrollment as citizens of the Cherokee Nation.

George W. Franklin applied for the enrollment of himself and his children, George W. Jr., Mary M., Jessie M. and Basil W. Franklin. He also applied for the enrollment of Veranda Franklin as a citizen by intermarriage, but the Commission did not pass upon her rights if any she has. Nora W. Franklin applied for the enrollment of herself and James [illegible]. Wimer applied for the enrollment of himself as an intermarried citizen and for the enrollment of his minor children, Rebecca E., Jacob F., and Permelia E. Wimer, as citizens. James [illegible] Wimer being differently classed, the Commission did not pass upon his case.

The evidence and record shows that George W. Franklin is a white man, that is that he was married to a Shawnee Indian woman and removed to the Cherokee Nation in accordance with the Cherokee-Shawnee agreement of June 9, 1869, his name appears on the 1880 census roll and on the Cherokee-Shawnee Payroll of that year and he

[illegible] the Cherokee-Shawnee Treaty of 1869.

After the death of his [illegible] wife in 1872 he married [illegible], [illegible], [illegible]. This marriage occurred [illegible], 1874, and was performed according to the laws of the [illegible]. [illegible] resulted the marriage of [illegible] and [illegible]. [illegible], [illegible], [illegible] was married [illegible] [illegible], [illegible], and Permelia [illegible] Miner, [illegible] children of Permelia [illegible] Miner, deceased who was the daughter of [illegible] and [illegible], who she was lawfully married to [illegible] Miner in 1856.

The record shows that he is identified by the 1867 Cherokee-Shawnee [illegible] roll and that [illegible] is also identified by that roll. The other two children were born after this roll was [illegible] certificate of [illegible].

June 4, 1918, the Cherokee Nation filed suit out of the [illegible] against Permelia Miner, [illegible] Miner, who claimed for themselves as intermarried citizens, were entitled to all of the rights and immunities of native Cherokee citizens and that they could be enrolled.

The defendants filed a brief and argument in the case and [illegible] argued the merits of the [illegible].

The Cherokee-Shawnee Treaty was inaugurated into the Cherokee Nation in accordance with the provisions of the Cherokee-Shawnee

agreement of 1869, his rights, privileges, immunities and status, became the same as that of a native Cherokee and he could only expatriate his citizenship in the same manner as could a native Cherokee. The fact that he married a white woman after the death of his Shawnee wife does not abjure his citizenship. He was not an intermarried citizen but a citizen incorporated into the Cherokee Nation by reason of the fact that he was an adopted member of the Shawnee tribe, and the approval of the Commissioner's decision is recommended.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

OAM-M.

D. C. 10866-1904.
ITD 2404-1904.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

WCF JP
FHK LRS.

APRIL 1, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On August 11, 1903, you transmitted the record in the consolidated Cherokee enrollment cases of George W. Franklin, et al., The record includes the applications for the enrollment of George W. Franklin, George W. Franklin, Jr., Harry M. Franklin, Jesse A. Franklin, Basil W. Franklin, Nora B. Franklin, Rebecca A. Wimer, Jacob F. Wimer and Cornelia A. Wimer, as Cherokee citizens, now of Muskogee Township and [illegible], as citizens by intermarriage of the Cherokee Nation.

The [illegible] Rebecca A. Wimer and Jacob F. Wimer [illegible], and are not opposed by the Nation.

June 1, 1903, [illegible] that the applicants herein, except Rebecca A. Franklin and Jacob F. Wimer, should be enrolled.

The [illegible] the enrollment of these applicants [illegible] and also.

Reporting upon [illegible] 27, 1904, the Acting Commissioner of Indian Affairs [illegible] your decision be approved. A copy of his letter is [illegible].

Following the decision of the Department of October 31, 1902, in the Cherokee enrollment case of John K. Barlow, the Department concurs in the recommendation of the Acting Commissioner and your decision is accordingly affirmed.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

Cherokee D-516.

Muskogee, Indian Territory, April 16, 1904.

George W. Franklin,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, granting, among others, your application for the enrollment of yourself and your four children, George W. Jr., Jessie M. and Basil W. Franklin and Hattie M. Martin, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 1, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D-516
et al.

Muskogee, Indian Territory, April 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated June 1, 1903, in the consolidated case of George W. Franklin et al., granting the applications for the enrollment of George W., George W. Jr., Jessie M., Basil W. and Dora M. Franklin, Hattie M. Martin, and Rebecca D., Jacob F. and Permelia E. Wimer, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 1, 1904.

Respectfully,

Commissioner in charge.

Cherokee D.516

Muskogee, Indian Territory, February 2, 1907.

Viranda Franklin,

Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Enc 1-39

Commissioner.

Register

Cherokee D-516

Muskogee, Indian Territory, February 2, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1907, rejecting the application for the enrollment of Miranda Franklin as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Enc 1-26

Commissioner.

Enc:

Muskogee, Indian Territory, February 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Viranda Franklin as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 2, 1907, denying the application.

Respectfully,

Commissioner.

Enc 1-40

RPI

Through the Commissioner
of Indian Affairs.

V V

Copy

DEPARTMENT OF THE INTERIOR,

LAND
12681-1907

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated February 2, 1907, transmitting the record relative to the application for enrollment of Viranda Franklin as a citizen by intermarriage of the Cherokee Nation. On February 2, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The evidence shows that the applicant is a white woman, and claims no right to enrollment except such as she may have acquired by her marriage on March 10, 1874 to George W. Franklin, who is identified on the partial roll of citizens of the Cherokee Nation, as an adopted white man and acquired his right to enrollment as a citizen of the Cherokee Nation by virtue of his compliance with the provisions of the agreement between the Cherokee and Shawnee Indians entered into June 7, 1869, and approved by the President June 9, 1869.

In view of the foregoing it is considered that the applicant acquired no right to enrollment by her marriage to George W. Franklin, who is not a citizen of the Cherokee Nation of Cherokee blood.

Under the decision of the Supreme Court of the United States, dated November 5, 1906, in the case of Daniel Red Bird, et al., vs. the United States, the applicant is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,

J.P.P. - ML

Acting Commissioner.

D.C. 12416-1907 J.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

LRS

March 1, 1907.

I.T.D.5294,5306,5308,5314-07
5318,5382,5386,5390-"
5416,5420,5436,5438-"
5444,5464,5466,5468-"
5472,5480,5482,5492-"
5510,5522,5528,5532-"
5540,5056, -"

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of case.	Date of your letter of transmittal.
Melinda A. Stingle et al.	December 29, 1906
James W. Wilkerson et al.	January 7, 1907
Joseph H. Quadley et al.	January 4, 1907
Mary C. Rogers (intermarried)	February 6, 1907
George W. Garrison et al.	October 19, 1906
Willie T. Richards (intermarried)	February 2, 1907
Miranda Franklin (intermarried)	February 2, 1907
Harriett Hubbard (intermarried)	February 2, 1907
Clara Rose and Coleman I. Abbott	January 25, 1907
Nancy Ward Chandler	January 17, 1907
Nancy C. Hall (intermarried)	January 30, 1907
Thomas Park (intermarried)	January 30, 1907
Ann Jones (intermarried)	January 30, 1907
Cordia May Horton	February 9, 1907

Title of case.	Date of your letter of transmittal.
Claus Casey et al.	February 12, 1907
Gilbert M. Loflin	February 1, 1907
Sarah Jane Hooker	February 12, 1907
George Williams	February 12, 1907
Mary A. Palmer (intermarried)	February 5, 1907
Rebecca T. and Anna Caroline Powell	February 12, 1907
Joseph T. Cooper	December 31, 1906
William Oscar Yeates et al.	December 29, 1906
Mary Raymond Keats (Freedman)	February 11, 1907
Albert and Goldie Bigeroth	February 11, 1907
Thomas Neale	February 6, 1907
David Henry Lewis	February 1, 1907

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

2n inclosures.

2n. to Ind. Off.

L.C.Mc.
2-1-07

Cherokee D-516

Muskogee, Indian Territory, March 13, 1907.

Viranda Franklin,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-49
JMH

Cherokee D-516 COPY

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1907, rejecting the application for the enrollment of Viranda Franklin as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

[illegible]
Commissioner.

Encl. M-90
JMH

Cherokee
D 516.

Muskogee, Indian Territory, April 25, 1907.

Viranda Franklin,

Vinita, Indian Territory.

Dear Madam:

In reply to your letter of April 23, 1907, in reference to your Cherokee citizenship case you are advised, as you have been heretofore, that the records of this office show that your application for enrollment as a citizen by intermarriage of the Cherokee Nation was refused by the Commissioner to the Five Civilized Tribes on February 2, 1907, and his action was affirmed by the Secretary of the Interior on March 1, 1907.

The Act of Congress approved April 26, 1906 (34 Stats., 137), provides in part as follows

> "That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

The "copy of original adoption" of your husband, George W. Franklin, as a member of the Shawnee tribe of

Virnada Franklin - 2.

Indians which was enclosed with your letter is returned herewith.

Respectfully,

Encl.W-2.
S.W.

Commissioner.

Cher R 1112

Trans from Cher D 518

See Testimony in Cher R 1072

Cher R 1112

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 4, 1900.

In the matter of the application of Charles T. Moore for the enrollment of himself, wife and children as Cheroke citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Charles T. Moore.
Q How old are you? A 45.
Q What is your post-office address? A Vinita.
Q In what district do you live? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply? A Myself, wife and children.
Q What is the name of your wife? A Mollie Dawson when I marrie her.
Q What is her age? A About 36.
Q Have you a certificate of marriage? A Yes sir. (Produces papers
Com'r: The applicant presents duly authenticated license and marriage certificate certifying that he was married to one Miss Mollie Dawson according to the laws of the Cherokee Nation on the 17th day of January 1887.
Q What is the name of your wife's father? A Robert Dawson.
Q Is he living? A No sir, dead.
Q Name of her mother? A I don't remember.
Q Does your wife's name appear upon the roll of 1880? A No sir.
Q What proof have you got of her citizenship? A Produces papers)
Com'r: The applicant presents certificate of admission issued from the office of the Commission on citizenship, Tahlequah January 11, 1883, signed by Thomas Teehee, President of the Commission, and Alex Wolfe and T. F. Thompson, Commissioners, E.W.C.Duncan Clerk of the Commission, duly attested by E.W.C.Duncan, in which certificate appears the name of Mollie Dawson,
Q Is she the identical person for whom you apply for enrollment as your wife? A Yes sir.
Q When did you remove to the Cherokee Nation? A In March 1883.
Q Been living here ever since? A Yes sir.
Q Was she ever married before you married her? A No sir.
Q Were you ever married before? A No sir.
Q You have been living with her continuously since your marriage to her? A Yes sir.
Q And she has been living here continuously since then? A Yes sir
Q What are the names of your children? A Mora Moore, 17, Walter Moore, 15 years old, Clara Moore, about 8 years, Ora Moore, aged 6, James William Moore, 4 years old.
Q [illegible] A Yes sir.
Q [illegible] A All born here.
Q [illegible]
Q Where was she born? A She was born in Arkansas.
Q She is the wife of Walter Dawson, is she? A Yes sir, and my sister.

[illegible]

Com'r Needles: The name of Charles T. Moore appears upon the census roll of 1896, and he makes satisfactory proof of his marriage to his wife Mollie Dawson in the year 1887, and her name is found upon the census roll of 1896; he presents certificate of admission to citizenship, more particularly described in the testimony, certifying that one Mollie Dawson was admitted to Cherokee citizenship in in 1883, and that she removed to the Cherokee Nation in the same year, and have been living here continuously ever since; the names of his children, Nora, Walter, Clara and Ora are found upon the census roll of 1896, and he presents proof of birth as to his youngest child, James W., whose name does not appear upon the census roll of 1896, he having been born after the same was compiled;

They being duly identified,-- now comes the Cherokee Nation by its representatives and protests against the enrollment of the said Mollie Dawson, wife of said Charles T. Moore, and her descendants; by reason thereof final judgement as to the enrollment of said Charles T. Moore, his wife Mollie and his children, as enumerated in the testimony will be suspended, and their names will be placed upon a doubtful card.

M. D Green, being first duly sworn, states that as stenographer the the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this 4th day of October 1900.

(Signed) C. R. Breckinridge.
Commissioner.

Louise Smith, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that same is a true and correct copy of a document on file with the Commission in Cherokee D-81A.

Subscribed and sworn to before me this August 2[illegible], 1904.

Notary Public.

Cherokee D 518

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 18,1902.

SUPPLEMENTAL TESTIMONY ANDPROCEEDINGS, in the matter of the application of Charles T. Moore et al for enrollment as Cherokee citizens.

Appearances:
Mr. Mellette, of Vinita, I. T., attorney for applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY MR. MELLETTE: The attorney for the applicant desires that the act of the Tehee Commissioner's Court, admitting Mollie Dawson, wifeof the applicant, be copied in full from the official records in now in the hands of this Commission.

BY COMMISSIONER NEEDLES: On page 114, No.108, record of the Commission on Citizenship, from 1880 to 1884.

BY MR. MELLETTE: I want the pay roll of 1883, and 1886 and 1890, of Delaware District;

1883 pay roll Cherokee Nation, for applicants, and their names not found, either in Delaware or Cooweescoowee districts.

1886 pay roll of Cherokee Nation, No page given, No.1458 Mollie Moore, Delaware District. Note: "Formerly a Dawson." No age given.
1459, Nora Moore, no age. No.1460, Maud Moore, 16 months old (dead)

1890 pay roll examined, page 386, No number, Charlie Moore, adopted white.
same page, Mary Moore, no age or nationality. Nora, Walter and Hugh, on the same page.

CHARLES T. MOORE, being first duly sworn and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q What is your name? A Charles T. Moore.
Q What is your age? A 42.
Q What is your post-office address? A Tahlih, Indian Territory, per Ft. Worth.
Q You are the applicant in this case are you, C. T. Moore?
A Yes sir.
Q Under the pay roll of1890 certain names have just been carried in the record, Charles Moore, who is that? A I am the person
Q Mary Moore, who is that? A That is my wife, Mollie;
Q Is she called Mary? A Yes sir.
Q What name does she usually go by? A Mollie.
Q But that is your wife? A Yes sir.
Q Nora, is that your child? A Yes sir, now living.
Q Walter, is that your child? A Yes sir, now living.
Q Hugh? A That is my child, he is dead.
BY MR. HASTINGS:
Q You didn't draw for yourself, there are just five members of your family? A Three I guess.
Q Well you had a wife and two children? A Yes sir.
BY MR. MELLETTE:
Q Did you draw money for your wife and children in 1902, the year you moved to this country? A Yes sir in the fall of 1902, at Vinita.
BY MR. HASTINGS:
Q Where? A At Vinita.

Q At the regular payment? A Yes sir, I was enrolled along in the summer before at Echo, in I think October sometime in October, or November; I drew for two persons, my wife and one child, 31 dollars.

BY MR. MELLETTE:

I want the 1894 pay roll, of Delaware district.

Q Have you a child named Carrie now? A Yes sir.

1894 pay roll of the Cherokee Nation examined, page431 No. 1922 Mary Moore, Delaware District.
page 431 No.1923 Nora Moore, Delaware District;
page 431 No.1924 Walter Moore, Delaware District;
page 431 No.1925 Carrie Moore, Delaware District.

BY MR.MELLETTE: I want the testimony of F.M.Dawson case made part of the testimony in this case, No.D324.

BY COMMISSIONER NEEDLES:

That will be ordered.

The decision of the Cherokee Commissioner's court above introduced is as follows:

The record of the judgment of the Cherokee Commission on Citizenship, on page 114, No.180, is as follows:

"Office Commission on
Citizenship, Tahlequah C. N.
September 24th, 1891.

No.108,
Bolt Dawson,
Filbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson,
John Dawson,
Molly Dawson,
Filbron Dawson,
Jesse Dawson,
Ziel Dawson,
vs.
Cherokee nation.

Petition for citizenship.

Continued to the plaintiff.
Oct 8,1891.

January 18th 1892.

The above case continued by the Cherokee Nation till next term.

Agreed by the parties that the above case shall not be taken up for final disposition before the 4th day of Oct.1892.

Oct.4th 1892.

It is agreed by the parties that this shall be finally disposed of at the next January term, if the plaintiff is present demanding the same, if not, the case shall be then continued to the September term 1893.

By this agreement Commission continues the case till the next January term, to wit January 1893.

And now on this 11th day of January A.D. 1893 this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship that the Plaintiffs, Robert Dawson, F.M.Dawson,

Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbren Dawson, James Dawson, and Rial Dawson are Cherokees by blood; and that they are entitled to all the rights, and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they are, hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

Thos. Tehee, President of Com.

Alex Wolfe,

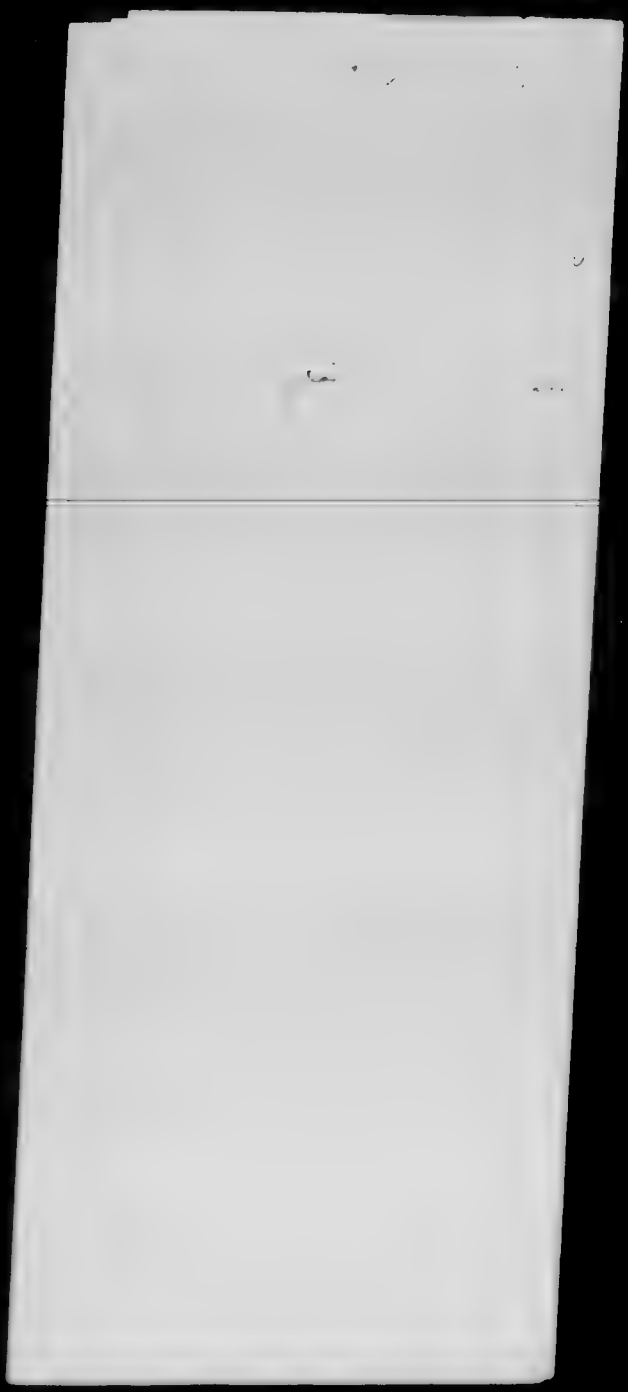
D.W.C.Dunca, Clerk of Commission.

T.F.Thompson, Commissioners.

Transcript issued to Claimants January 11th,1883.
D.W.C.Duncan,
Clerk."

Marginal note: "Case submitted by Claimant January 11th, 1883.
Case submitted by the Solicitor, January 11th,1883."

I,W.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.



DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. June 13, 1902.

In the matter of the application of Charles T. Moore et al for enrollment as citizens of the Cherokee Nation.

Cherokee D 518.

Brief on part of the Cherokee Nation.

The judgment in this case will depend upon the decision reached in the case of Francis J. Dawson et al Number Cherokee D 324 and the Commission is respectfully referred to that case for an extenced brief and argument as to the right of the applicants to be enrolled as citizens of the Cherokee Nation.

Respectfully Submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

J. C. C.

Cherokee D 518.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., October 10, 1902.

In the matter of the application of Charles T. Moore for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Molly Moore, and his six minor children, Nora, Walter, Clara, Ora, James W. and Edna Edith Moore, as citizens by blood of the Cherokee Nation.

Supplemental Proceedings.

CHARLES T. MOORE, being sworn, testified as follows:

By the Commission,

Q What is your name? A Charles T. Moore.
Q What is your age, Mr. Moore? A Forty-seven.
Q What is your post office? A Vinita.
Q Are you the same Charles T. Moore that made application to the Commission for enrollment as an intermarried citizen in October, 1900? A Yes sir.
Q What is your wife's name? A Her name is Mary, commonly called Molly on the rolls.
Q Commonly called Molly? A Yes sir.
Q Who made application for her? A I did.
Q Give her name as Molly, did you? A Yes sir.
Q Is your wife a Cherokee by blood? A Yes sir.
Q When were you married to your wife, Molly? A Well, I have been married twice, I was married in the States.
Q Well, give the first, what state were you married in? A I was married in Arkansas.
Q Married in Arkansas the first time? When did you come to the Nation? A I came to the Nation in March '83.
Q And when were you married again to the same woman? A Yes sir, married under the Cherokee law.
Q When? A Well, it is in the winter of '95 or '6, I am not certain which. In that winter '95 or '6, I don't remember now.
Q Was it before or after the law was repealed? A In '86.
Q '86, you mean? A Yes sir, the winter of '95 or '6.
Q That you mean instead of '85 and '86, '85 or '86? A Yes sir.
Q Did you take out a Cherokee license? A Yes sir, turned it over to the Commission when I made application.
Q Now, Mr. Moore, had you ever been married prior to your marriage to your wife, Mollie? A No sir.
Q Had she ever been married prior to her marriage to you? A No sir.
Q You and her first husband and she's your first wife? A Yes sir.
Q After you and your wife moved from Arkansas to the Territory she was admitted to citizenship? A I don't understand.
Q I say, after you and your wife moved from Arkansas over here to the Territory, she was admitted to citizenship? A She was admitted before admitted to Delaware, '81, I believe. I am not right certain about the year but I think that's it.
Q You have you and your wife, Molly, lived together as husband and wife since you were married up to the present time? A Yes sir.
Q Still living together? A Yes sir.
Q Were living together as husband and wife on the first day of September, 1902? A Yes sir.
Q You have never had any talking of separation? A No sir.

Q Have you lived in the Cherokee Nation continuously from the time of your marriage in '85 or '6 up to the present time? A Yes sir.
Q You have never lived out during that time? A No sir.
Q Has your wife, Molly, lived here with you during all that time? A Yes sir.
Q Now, these children, Nora, Walter, Clara, Ora, James W. and Edna Edith, are your children by your wife, Molly? A Yes sir, they're my children.
Q Are they all living at this time? A Yes sir.
Q Have they lived in the Cherokee Nation all their lived? A Well one of them, the oldest, was born before we came here, Nora.
Q She has lived here ever since you came? A Yes sir, ever since '83.

Retta Chick, being first duly sworn, states that, as stenographer to the Commis ion to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

(Signed) Retta Chick.

Subscribed and sworn to before me this 18 day of October, 1902.

(Signed) P. G. Reuter.
Notary Public.

Louise Smith, being duly sworn, states that as stenographer to the Commis ion to the Five Civilized Tribes, she made the foregoing copy and that same is a true and complete copy of a document on file w th the Commission in Cherokee D 518.

Louise Smith

Subscribed and sworn to before me this August 22, 1904.

Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902

Mr. Charles T. Moore,

Vinita, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and five minor children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 17 day of March 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the representative of the Cherokee Nation will also be present at the same time, to offer any objections to introduce testimony tending to defeat your application, and that all testimony which you may desire to submit must be presented at said time.

You are required to supply the Commission with certificate of readmission of your wife Mollie.

Very respectfully,

Commissioner in Charge.

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss
NORTHERN DISTRICT)

In the matter of the application of ..... for enrollment as a Cherokee ~~Freedman~~ Citizen.

C J Moore

No. 1 D 518 Arthur Evans

Kinnerstuck, of lawful age, being duly sworn on oath states that on the 10th day of March, A. D. 1902 he registered to C J Moore, whose postoffice is Vinita, Indian Territory, a notice, a true copy of which is attached to this affidavit and he hereto attaches the receipt of the Postmaster at Muskogee, Indian Territory, and that on the 24th day of March, 1902 he received the return card a back of hereto attached signed by the said C J Moore showing that he had received said notice.

C J Moore
Arthur Evans
Kinnerstuck

Subscribed and sworn to before me this [illegible] day of [illegible] A. D. 1902

J C Stark
Notary Public.



NOTICE!

IN THE MATTER OF the application of [illegible] et al [illegible]
for enrollment as Cherokee citizens:
Case No. D [illegible] 73
To Charles [illegible] Moore et al Vinita I.T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.**
Indian Territory on [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof the undersigned representatives of the Cherokee Nation have hereunto set [illegible] hands this [illegible]

W. W. [illegible]

Attorney for the Cherokee Nation

D C 10870-1904.

COPY

I.T.D. 7442-1903
7450- "
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.
J.P.
FHE

March 31, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 28, 1903, you transmitted the record in the matter of the application of Charles T. Moore, et al., for enrollment as citizens of the Cherokee Nation. The record relative to their application forms part of the record in the consolidated case of Francis M. Dawson, et al., in reference to which you rendered a decision December 27, 1902.

In said decision you disposed of the applications in the Dawson case by groups. Group VI. will be considered herein. This group includes the applications of Charles T. Moore, D.318, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie Moore, and his six minor children, Nora, Walter, Clara, Ora, James W. and Edna E. Moore, as citizens by blood of the Cherokee Nation.

The said Charles T. Moore was married to Mollie Moore, formerly Dawson, in accordance with the laws of the Cherokee Nation, January 19, 1887. He is identified on the Cherokee census roll of 1896, and has resided with his wife in the Cherokee Nation since their marriage.

The said Mollie Moore, nee Dawson, was admitted to Cherokee citizenship by a decree of the Tahee Court dated January 11, 1883. She is identified upon the pay roll of 1883, and upon the census roll of 1896, and has resided in the Nation since 1883. The four older children named above are identified on the census roll of 1896; the two younger by birth affidavits.

It is considered that the residence of said minor children is that of their parents.

You hold that all of the applicants named above are entitled to enrollment.

Reporting as to this group, October 16, 1902, the Commissioner of Indian Affairs recommended that your decision be approved, except in so far as it relates to Charles T. Moore, who claims by intermarriage.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, claiming that the decree of the Tahee Court was obtained through fraud.

The question of fraud in connection with the Dawson case was submitted to the Assistant Attorney General, and was disposed of by him in favor of the applicants in an opinion rendered February 14, 1904, approved by the Department, a copy of which was sent you February 24, 1904.

The Department concurs in your recommendation as to those applicants who claim by blood. In reference to Charles T. Moore, no

action will be taken at present, inasmuch as the right of intermarried persons to enrollment as Cherokee citizens is now under consideration by the Court of Claims.

A copy of Indian Office letter of October 16, 1903, is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Refer in reply to the following:
LAND
13855-1903.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, October 16, 1903.

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.,

GROUP VI.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting the Commission's report of February 25, 1903 and Group 1 of the record relative to the application of Francis M. Dawson, et al., applicants for enrollment as citizens of the Cherokee Nation, there is enclosed herewith record relative to the applicants involved in Group VI.

D. 816, Group VI. page 1.

Charles T. Moore applies for the enrollment of himself as an intermarried citizen of the Cherokee Nation, and for the enrollment of his wife, Mollie, and their five minor children, Nora, Walter, Clara, Ora and James V. Moore, as citizens by blood. He also applies for the enrollment of his minor child, Edna E. Moore, who was born subsequent to the date of his application. She is identified by a birth affidavit.

January 17, 1887, Charles T. Moore was married to Mollie Dawson, a citizen of the Cherokee Nation, in accordance with the laws of the Nation. Mollie Dawson was admitted to citizenship by the Tehee Court January 11, 1883. Charles T. Moore, his wife and their oldest child, have resided in the Cherokee Nation since 1883a The other children have resided there since their respective births. Charles T. Moore, his wife, Mollie, and their children, Nora, Walter, Clara and Ora Moore, are identified by the 1896 census rolls. Mollie Moore's name appears on the 1886 pay-roll of the Cherokee Nation. Opposite her name appears the following "formerly a Dawson." Nora Moore's name appears on this roll. Charles T. Moore is identified by the 1896 pay-roll as "Charley Moore--an adopted white." The name Mrs. Moore also appears on this roll, as does Nora, Walter and Hugh--"in the same family." The record also shows that the following names appear on the 1894 pay-roll of the Cherokee Nation--Mary Moore, Nora Moore, Walter Moore and Carrie Moore. The principal applicant was asked whether he had a child named Carrie Moore, to which he replied "Yes sir." James W. Moore and Emma T. Moore are properly identified by birth affidavits.

The Commission in its decision of December 13, 1907, held that all the applicants in this group were entitled to enrollment as citizens of the Cherokee Nation--Charles Moore as an intermarried citizen and the minor applicants as citizens by blood.

In connection with this group, attention is respectfully invited to the report of even date transmitting Group 1., and for the

reasons therein set forth the approval of the Commission's decision, except in so far as it relates to the enrollment of Charles T. Moore as a citizen by intermarriage, is recommended.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

O.A.W.-L.C.

Tahlequah, Indian Territory. May 21, 1904.

Commission to the Five Civilized Tribes,

(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith original cards, jackets and reports in Cherokee doubtful cases as follows:

D-23 John T. Graham
D-35 Elizabeth Graham
D-518 Charles T. Moore
D-836 Mathew A. Painter
D-1124 Charles T. Bradshaw
D-1128 Bessie Graham.

Decisions have been rendered in these cases and all the applicants transferred except intermarried applicants. Jackets and records are forwarded to be retained in the office at Muskogee until such time as decisions can be rendered as to the intermarried applicants.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

HKY
Encl D-6.

Cherokee
D 518

Muskogee, Indian Territory, December 17, 1906.

Charles T. Moore,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was approved by the Department December 4, 1906.

Very truly,

Commissioner.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. F. McKennon,

Attorney for Mattie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Mattie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. E-10
S.F.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 190 .

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enc. E-
C.V.

(COPY)

D.C.55540-1906. Y.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.7442,7444,
7446,7448,
7450,7452,
7454,7456,
7458,7462,
7464,7466,
7906-1903.

December 4, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States, in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis P. Pitts et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Fattie Dawson, Andrew J. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah T. Dawson, Nellie Pierce, John C. Vogle, Florence Dawson, Martha A. Dawson, Charles F. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah T. Dawson (formerly Jones), John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw, Bessie Graham, James M. Harmon, William C. Dawson, Willie T. Dawson, Henry T. Richardson, William A. Dawson, Miram P. Waddle, Alonzo W. Pinkham, Lizzie Parkman, and George A. Fahey, as citi-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Francis M. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 14, 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

25 Dec. to Ind. Af.

Cher R 1113

Trans from Cher D 526

See Testimony in Cher R 1072

Cher R 1113

(DAWSON CASE)
Cherokee D-526.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 3, 1900.

In the matter of the application of James R. Dawson for the enrollment of himself and children, Vinnie D., Ermine C., Edwin C. and Ancil F. Dawson, as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage of the Cherokee Nation.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

Q What is your name and age? A Joseph R. Dawson.
Q Are you acquainted with James R. Dawson who is an applicant for enrollment as a citizen by blood? A Yes sir.
Q Are you acquainted with his wife, Martha A. who is also an applicant for enrollment before this Commission as an intermarried citizen? A Yes sir, they have always lived together; he married her in the State of Arkansas.
Q Has James R. Dawson - How long have you known him? A Ever since he was a baby.
Q How long have you known his wife, Martha A.? A I knew her when she was a little girl. She was raised right close to where we were raised in Arkansas.
Q When were James R. and Martha A. married, how long ago? A It must be 13 or 14 years if I recollect right.
Q Was James R. Dawson ever married prior to his marriage to Martha A.? A No sir.
Q Was Martha A. ever married prior to her marriage, before they were married? A No sir.
Q She is his first wife? A Yes sir.
Q And he is her first husband? A Yes sir.
Q Have James R. Dawson and his wife Martha A. lived together continuously from the time of their marriage up until the present time as husband and wife? A Yes sir.
Q They never have been separated during that time? A No sir.
Q Were they living together on the first day of September, 1900, as husband and wife? A Yes sir.
Q How long has James R. Dawson lived in the Cherokee Nation? A He has been here before he was married, I couldn't say exactly.
Q He has been here for the last ten or twelve years? A Yes sir. He was just on a visit in California.
Q How long has his wife lived in the Cherokee Nation? A When they first married they came right here, he married her in Arkansas.
Q She has lived in the Cherokee Nation ever since she and James R. Dawson were married? A Yes sir.
Q Martha A. has never been married to any other person than James R. Dawson? A No sir.
Q Are these children, Vinnie D., Ermine C., Edwin C. and Ancil F. children of James R. and Martha A.? A Yes sir.
Q Are they all living at this time? A Yes sir.
Q Have they lived in the Cherokee Nation ever since their birth to the present time? A Yes sir.

2—James R. Dawson et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Rothenberger.

Subscribed and sworn to before me this 18th day of October, 1902.

K. B. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 4 1900

Marriage License.

K

CERTIFICATE OF RECORD.

State of Arkansas,
County of Carroll

I, Lee Kennedy Clerk of the County Court, and Recorder of said County, certify that the above license for and certificate of marriage of J. R. Kingston and Alice Kennedy was filed in my office, and was on the 21st day of March 1901 filed in my office, and the same was duly recorded on page 115 of Book 16 of Marriage Records.

Witness my hand and the seal of said County this 21st day of March 1901

Lee Kennedy Clerk

By

MARRIAGE LICENSE



STATE OF ARKANSAS.

COUNTY OF

To any Person Authorized by Law to Solemnize Marriage—Greeting

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between

of *in the County of* *and*

aged *years,*

and

of *in the County of* *and*

aged *years,*

according to law; and do you *upon and return this License*

to the parties thereto entitled.

Witness my hand and the Official Seal of this *day of*

A. D.

County Clerk.

CERTIFICATE OF MARRIAGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4, 1900.

In the matter of the application of James R. Dawson for enrollment of himself, wife and three children, as citizens of the Cherokee Nation, said Dawson being duly sworn by Commissioner Breckinridge, testified as follows:

Q. What is your name? A. James R. Dawson.
Q. How old are you? A. 44.
Q. What is your post office? A. Afton.
Q. In what district do you live? A. Delaware.
Q. What do you want to have put on the rolls? A. Myself, wife and three children.
Q. Are you married to [illegible]? A. Yes.
Q. Is your wife a Cherokee? A. Yes.
Q. What is her name? A. [illegible].
Q. Have you a certificate of [illegible]? A. I have a copy.

Q Have you a certificate of marriage? A Yes.

The applicant presents a license issued by the Clerk of Carrol county, Arkansas, February 20, 1890, authorizing him to marry Miss Alice Ramsey, and the certificate shows that they were united in marriage, in accordance with said license on February 3, of the same year, by the Rev. W. R. Miller. It is filed herewith.

Q Has your wife lived with you ever since you were married? A Yes.

Q And she is living with you at this time? A Yes.

Q Give me the names of your children? A Vinnie D., 9 years old.

On '96 roll, page 463, number 956, as Vinnie Dorcas.

Next? A Ermine C., 7 years old.

On '96 roll, page 463, number 957, as Ermine Carl.

Q Next? A Edwin C., 5 years old.

On '96 roll, page 463, number 958 , as Edwin Carlylse.

Q They are all living now? A Yes.

Applicant on '96 roll, page 463, number 955, as James Dawson.

Applicant's wife on '96 roll, page 569, number 143, as Alice.

Q What is the name of your father? A Robert.

Q Dead or alive? A Dead.

Q What is your mother's name? A Nancy.

Q Dead or alive? A Dead.

Q How long has your mother and father been dead? A They both died in '86.

Q They are not upon any roll of the Cherokee Nation? A I don't think they are.

The applicant applies for the enrollment of himself, wife and three children. He claims to have been admitted to Cherokee citizenship in '83, but does not present an official copy of the act of admission at this time. He is identified on the roll of '96 and states that he has lived continuously in the Cherokee Nation since '91. The Cherokee representative presents objection to enrollment of persons admitted to the time that this applicant was admitted, and for the enrollment of this family, because of the alleged fraud in the proceedings of the Cherokee Citizenship Commission at that time. For that reason, and also to avoid official evidence of the applicant's admission, the application at this time will be signed upon a doubtful card. He is shown to have married his wife in '90. She is identified with him on the roll of '96. He states that she has lived with him ever since their marriage, and her application at this time will be placed upon a doubtful card, she being classed as a Cherokee by admission. The same disposition will be made of the three children, who are identified with their parents on the roll of '96, and are living at this time, they being classed as Cherokee by blood.

The applicant being first duly sworn, states that he does not belong to the Commission to the Five Civilized Tribes

[illegible] recorded the testimony and proceedings inthis case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) B. McDonald.

Subscribed and sworn to before me this 5th. day of October, 1903.

(Signed) C. E. Breckinridge.
Commissioner.

---:---

[illegible] the [illegible] same is a true [illegible]

Edith L. Morey.

[illegible] 20th day of [illegible], 1903.

Chas. M. Lamyer
[illegible]

Cherokee D-526

Muskogee, Indian Territory, April 12, 1904.

James R. Dawson,

Afton, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1904, granting, among others, your application for the enrollment of yourself and your minor children, Vinnie D., Ermine C., Edwin C. and Ancil F. Dawson, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis [illegible] Dawson, [illegible],

[illegible] Colbert, Indian Territory.

Dear Sir:

You are hereby notified that the Commission's decision dated December 23, 1903, in the [illegible] case of Francis [illegible] Dawson, et al., [illegible] relinquishment of Francis [illegible], Lulu, May, Jessie [illegible], Jessie [illegible], [illegible], Henry A., [illegible], William A. and Francis [illegible], Jr., Glenn, Arthur, [illegible], Edward [illegible], and George [illegible], [illegible], Samuel [illegible], Albert, Ella and Henry Dawson, [illegible], Katherine, Dora, Lee, Annie, Dawson, [illegible], [illegible], [illegible], Jane [illegible], Leander [illegible], [illegible], Charles [illegible], [illegible], James [illegible], [illegible], [illegible], [illegible], [illegible] and James [illegible] Dawson, Ella Dawson, [illegible], Lillie J., [illegible], [illegible] and William D. [illegible], [illegible], [illegible], [illegible],

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

Commissioner in Charge.

Cherokee D 384, et al.

Muskogee, Indian Territory, April 14, 1[illegible].

W. [illegible],

[illegible] Chief [illegible],

[illegible], Indian Territory.

Dear Sir:

Roy W. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William ..., John ..., Edna L. and Robert Lee Graham, Joe Willie Lee, James I., Marion, Maggie, Luther and Floyd Graham, Lollie, Lora, Walter, Clara, Ora, James W., and Edna Smith Moore, Richard W. and Ina E. Dawson, Ella ..., Hellen ... and William Glenn Pickerman, Albert ..., Ralph ..., Robert ..., and William C. Dawson, Dona, Sarah A., Martha ..., Jack ..., Homer ..., Ernest ... and Carril W. Patterson, Jones ..., Clarence ..., Dewey ..., Tommy ..., Jack, Rufus T., Edgar, Talmadge, James ..., Elmer ..., Bruce C., David ... and Jesse T. Dawson, Eric Fraser, ..., Jack ..., Tom Turner (Negro) Neil Anderson, Tommy Wilson, Jimmy Smith, Homer, Charles and T. Flournoy, Tommie, Jerry ..., Billy ..., Carlton ..., Elmer ..., Dewey, Jerry T. and Dr. Dawson, Charles ..., Dewey ..., Lonnie, Jerry T. and ..., Tom, ..., Ira Mae Dawson, Tommie ..., Elizabeth ..., Elizabeth ... and ... Dawson, Pharmacy ... and ... Dawson, Dr. ... Dawson, Dr. ... Dawson, Dr.

ey blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

[redacted]

Commissioner in Charge.

I.C. 10518-1904.

JWH
JP
FHE

ITY 7443-1.03.
7464- "

DEPARTMENT OF THE INTERIOR,
WASHINGTON. March 31, 1904.

LRS

[illegible] the Five Civilized Tribes,
[illegible], Indian Territory.

Sir:

[illegible] 1903, [illegible] the petition of [illegible] et al., for enrollment [illegible] of the Choctaw Nation, and [illegible] of December [illegible], of the latter.

[illegible] and [illegible] Lawson, [illegible] and Isaac T. Lawson, and [illegible] [illegible], [illegible] and [illegible] appears [illegible] of the records in the [illegible] of all, referred to above.

[illegible] 1904, and for the [illegible] and the [illegible], Florence L., [illegible], Ethel A., [illegible] and Edgar Lawson, as citizens by [illegible] of the Choctaw Nation and for the enrollment of the said [illegible], as [illegible] thereof by intermarriage.

The said Joseph R. Dawson was admitted to Cherokee citizenship January 11, 1883, by a decree of the Tehee Court. He is identified upon the Cherokee rolls of 1883, 1886, 1894 and 1896, and has resided in said nation since 1883. May 16, 1886, he was married to Florence Jackson.

Under title D 364, you classified Florence Dawson, nee Jackson, as an applicant claiming enrollment by intermarriage, and in your decision of December 23, 1903, you held that she was entitled to enrollment as such. It appears, however, from your field notes of [illegible], 1901, that [illegible] was made in her classification, [illegible] was treated as a identified child as an applicant for [illegible] willingness to abide by the Cherokee Nation.

It appears, however, that her sister, Cora Jackson, who was [illegible] a couple of days before [illegible], was admitted to Cherokee citizenship September 9, 1903, by decree of the Tehee Court. The [illegible] which that country was [illegible] September 14, 1903. [illegible] appears to be entitled to enrollment [illegible] as a [illegible] willingness. [illegible] the [illegible], [illegible] and when the latter [illegible] admitted. She is identified upon the 1896 Cherokee roll and has resided in the Cherokee Nation since [illegible] upon their marriage

in 1886. The minor children named above are the issue of the marriage between Joseph R. and Florence Dawson. The four older children are identified on the Cherokee census roll of 1896; the two younger are identified by birth affidavits.

The application of Wilborn Dawson, D 475, was for the enrollment of himself as a citizen by blood of the Cherokee Nation. He was admitted as such by the decree of the Tahlee Court, dated January 11, 1907. He was a resident of the Cherokee Nation since 1886, [illegible] 1880, 1894 and 1896 tribal rolls.

[illegible] application of James T. Dawson, D 476, is for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Martha J. Dawson, as a citizen of the Nation by intermarriage. The said James T. Dawson is the [illegible] was admitted to Cherokee citizenship by decree of the Tahlee Court dated January 11, 1907. He is identified upon the [illegible] 1880, 1894 and 1896, and was [illegible] during a temporary absence from the Nation. He was married to the said Martha A. [illegible] January 27, 1900. She is identified upon the 1896 census roll but was married upon her home and in the Nation since their marriage. Their three older children named above are identified upon the 1896 census roll. Their fourth child is identified by a birth affidavit. It is considered that the residence of all minor children be that of their parents.

In said decision of December 23, 1902, you held that all of the applicants named above, except Florence Dawson and Martha A. Dawson, were entitled to enrollment as citizens by blood, and that they were so entitled as citizens by intermarriage.

Reporting in reference to this group, October 10, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except as to Florence and Martha A. Dawson.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, claiming that the decrees under which they were admitted were obtained through fraud. His contention was [illegible] opinion dated February 16, 1904, by the Assistant Attorney General, approved by the Department, relative to the application of Francis L. Dawson et al., copy of which was forwarded to you February 24, 1904.

The Department considers that your decision relative to these applicants named above who claim enrollment as citizens by blood is correct. Said decision is [illegible] as to them. The Department can discover no reason from the papers record why it now appears any Dawson should not be enrolled as a citizen by blood. However, as neither [illegible] the Commissioner of Indian Affairs disposed of [illegible] as such, the record is herewith returned for further consideration, and if necessary, further investigation. In this connection see Department's decisions of even date concerning James Lowe and Linnie Duncan (Dawes I and

X1 of the Dawson case).

No action will be taken at this time respecting the rights, if any, of Florence Dawson and Martha A. Dawson, as citizens by intermarriage.

A copy of Indian Office letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Refer in reply to the following:
LAND
13855-1903.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, October 16, 1903 .

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.,

GROUP V.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting Group 1. of the case of Francis M. Dawson, et al., applicants for enrollment as citizens of the Cherokee Nation, there is transmitted herewith record relative to the applicants of Group V.---

D. 344, Group V. page 1.

Joseph R. Dawson applies for the enrollment of himself and his five minor children, Clarence E., Council F., Elmer A., Cleo and Rufus T. Dawson, as citizens by blood, and for the enrollment of Florence Dawson, his wife, as a citizen by intermarriage. He also applies for the enrollment of his minor child, Edgar Dawson, who was born subsequent to the date of his original application. Edgar Dawson is properly identified by a birth affidavit.

D. 475, Group V. page 10.

Wilborn Dawson applies for the enrollment of himself as a citizen by blood.

D. 526, Group V. page 11.

James R. Dawson applies for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson, as citizens by blood, and for the enrollment of his wife, Martha Dawson, as a citizen by intermarriage. He also applies for the enrollment of his minor child, Ancil F. Dawson, who was born after his application.

Joseph R. Dawson, (Group V. page 1), the record shows is a son of Robert Dawson. He was admitted to citizenship in the Cherokee Nation by the Tahlequah Court, January 11, 1883, under the name of Joseph Dawson. Joseph R. Dawson was married to Florence Jackson May 16, 1886. Florence Dawson is a daughter of Ella or Ellen Jackson or Dawson, who was admitted apparently by the Spears Commission or Court, Sept. 9, 1884. She seems to have been of age at the date of her mother's admission. The minor children applied for by Joseph R. Dawson are the issue of the marriage between himself and Florence Dawson. Joseph R. Dawson, his wife and their four older children are identified by the Cherokee census roll of 1896. The two younger children are identified by birth affidavits.

Wilborn Dawson, (Group V. page 10), was admitted to citizenship

in the Cherokee Nation by the Tehee Court, January 11, 1883. He is identified by the 1896 census roll.

James R. Dawson, (Group V. page 11), was admitted to citizenship in the Cherokee Nation under the name of James Dawson, January 11, 1883. He was married to Martha A. Dawson February 20, 1890. The principal applicant, his wife and their three older minor children are identified by the 1896 census roll.

Joseph R. Dawson has lived in the Cherokee Nation since 1883, and Florence and Wilborn Dawson have lived in the Nation since 1886, and James R. Dawson has lived in the Cherokee Nation since 1883, except that he was absent therefrom from 1889 until sometime in 1891.

Joseph R. Dawson was married to Dora L. Dawson prior to his marriage to his present wife, Florence Dawson, but the record in this Group shows that he was divorced from her before he married Florence Dawson.

The Commission in its decision of December 23, 1902, held that all of the applicants to this Group were entitled to enrollment---- Florence Dawson and Martha A. Dawson as citizens by intermarriage, and the others as citizens by blood.

Attention is respectfully invited to office report of even date, transmitting Group 1. of this case, and for the reasons set forth therein, the office believes that the Commission's decision should be approved, except as to Martha and Florence Dawson, who apply for enrollment as intermarried citizens. Their rights should not be

passed upon until the Court of Claims shall have made its findings and rendered an opinion in accordance with Department request of February 24, last.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

G.A.W.-L.C.

Cherokee
D 526

Muskogee, Indian Territory, December 17, 1906.

Martha A. Dawson,

Afton, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior December ., 1906.

Respectfully,

S.W. Commissioner.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. S. McKennon,

Attorney for Katie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enc: .W-10
T.W.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. W-11
S.W.

(COPY)

D.C.53540-1906. Y.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.7442,7444,
7446,7448,
7450,7452,
7454,7456,
7458,7460,
7464,7466,
7906-1907.

December 4, 1906.

J.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States, in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis P. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Nellie Dawson, Andrew J. Atkins, Katherine Dawson, Sarah [illegible]. Dawson, August Rutawsky, Jennie Dawson, Sarah [illegible]. Dawson, Nellie Pierce, John [illegible]. Coplin, Laurence Dawson, Martha A. Dawson, Charles J. Moore, Ida Bassingame, Mary A. Bassingame, Martin L. Patterson, Alice Dawson, Sarah [illegible]. Dawson (formerly Purcell), John T. Brannam, Elizabeth Brannam, Matthew A. Painter, Charles F. Brannam, Bessie Brannam, James H. Harmon, William [illegible]. Benge, Lillie M. Dawson, Henry [illegible]. Richardson, Melissa A. Dawson, Silas P. Webber, Alonzo M. Fleetwood, Lizzie Jackson, and George A. Berry, all citi-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Frankie L. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 1., 19 .

The papers and files pertaining to the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) [illegible],
First Assistant Secretary.

The Commissioner
of Indian Affairs.

2 inclosures.

Cher R 1114

Trans from Cher D 528

Cher R 1114

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October, 20, 1901.

In the matter of the application of David D. Mahney, Cherokee Doubtful
Case No. 38. SUPPLEMENTAL TESTIMONY.

Appearances:
J. L. Baugh for the Cherokee Nation
J. W. Davenport for the applicant:

John Blackfeather, being first duly sworn by the Commission testified as follows on the part of the applicant, through Thomas Davenport, a sworn interpreter.
(By Mr. Davenport.)
Q What is your name? A Johnson Blackfeather.
Q Where do you live? A About 8 miles northeast of here.
Q How long have you lived in the Cherokee Nation? A Since about '70 or '71.
Q What nationality are you? A Shawnee.
Q Is there a treaty between the Cherokees and the Shawnees of 1854? A Yes sir.
Q Do you know Sam Dougherty now? A Yes sir.
Q How long have you known Sam Dougherty? A About 40 years.
Q Do you know what your first name was? A My mother was dead before I was born.
Q Do you know anything about Sam's father? A Yes sir.
Q What was his name? A John.
Q Was he a Shawnee? A Yes sir, one hundred per cent.
Q Was John Dougherty one of the Shawnees who came to the Cherokee Nation?
A [illegible]
Q What was Sam's mother's name——what was her first name? A Polly.
Q Was she a full blood Shawnee, was Sam Dougherty, John Dougherty's wife? A Yes sir.
Q Was Polly Dougherty one of the Shawnees who came to the Cherokee Nation? A Yes sir.
Q Was she a full blood Shawnee? A Yes sir.
Q Was she a member of the Cherokee Nation too [illegible]
Q Was she a member of the Cherokee Nation? A Yes sir, half brothers of [illegible].
Q Was Sam Dougherty born in the Cherokee Nation? A Yes sir.
Q Was he born in wedlock? [illegible]
Q Was he born in wedlock

Nation, Indian Territory within two years from the 8th day of June 1869, in accordance with an agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians of the 7th day of June 1869, and approved by the President of the United States on the 8th day of June 1869 in accordance with the Fifteenth Article of the Cherokee treaty with the United States, proclaimed August 11th 1866, there opens the name of one "John Day" Number 287 in the list of "Mary" number 288.

(By Mr. Davenport of witness)

Q Do you know the Sugar Knighty now, to be the same name that you know as Sugar Day all since then? A Yes sir, that is all.

(By Balch)

Q Where was it he was born at? A Up in Texas.

Q His relation was it to Mary Day here? A No sir.

Q What was Mamie Day born? A I don't know Mamie Day.

Q Are you testifying to that A Mamie White is the one.

Q His relation was Mamie White to Mary Day? A No sir.

Q Where was Mamie White born at? A Up in Texas.

Q [illegible] A Near Sherman.

Q [illegible] A Yes sir.

Q [illegible] A I don't know.

Q [illegible] A I don't know.

Q [illegible] A Yes sir.

Q [illegible] A Yes sir.

Q [illegible] A One was named Fannie

Q [illegible] (By Mr.)

Q [illegible]

Q What is your name? Thomas Engleman.

Q What is your age? 24.

Q Where do you live, near what post office? Ruble.

Q How long have you known her? A Ever since she was a baby.
Q What was her name when the Shawnees made the treaty with the Cherokees and made their rolls showing to the Cherokees what Shawnees they had in their tribe? A White.
Q What was her mother's name at that time? A Day, Susan Day.
Q What was the name of Susan Day's husband at that time? A John Day
Q Did Dennis White come here with the Shawnees when they came to the [illegible] Nation? A Yes sir.
Q Do you know where Susan Day, who is now Susan Dougherty, was in 1850? I think she was in the Quapaw Agency.
Q [illegible] White at that time? A Up in Kansas.
Q At what place, or with whom? A I don't know who she was with but she was up near Kansas City.
Q [illegible] A Goin to school.
Q [illegible] she lived with my uncle Dennis White her mother he- [illegible] here? A Yes sir.
Q [illegible] Osage Fallow.
Q [illegible] Fallow? A Shawnee Indian.
Q [illegible] to the land on Kaw with the Shawnees? A Yes sir.
Q [illegible]
Q [illegible] Dennis White born at? A In Kansas.
Q [illegible]? A I don't know exactly.
Q [illegible]? A Somewhere about '64.
Q [illegible] with her mother? A Yes sir.
Q [illegible] Yes sir, well it [illegible] Susan.
Q [illegible] Until about 1870 or '4.
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A Yes sir.
Q [illegible] A Yes sir, [illegible]

Q [illegible] Cherokee Nation at the time it came to the time of the Quapaw Agency.
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]

Cornatzer's hand-writing? A

BY MR. BAUGH: I will object to that testimony unless he is an expert. BY THE COMMISSION: THE OBJECTION WILL BE NOTED.

A I believe it is.
Q You have had some occasion to become familiar with Mr. Cornatzer's hand writing, have you? A Yes sir.
Q [illegible] - if there is any note on that roll by the name of [illegible] with an explanation to it?

BY MR. BAUGH: Now comes the Cherokee Nation and objects to the introduction of this evidence for the reason that they dont prove that this is the original roll, or that if it is not that the original [illegible], and because we dont know whether it is correct roll or [illegible], and because we object to it for the reasons we will put any more of them they wanted to.
BY THE COMMISSION: Let the roll be examined and the objection noted.

A [illegible]
BY MR. BAUGH: I desire now to offer that part of the record [illegible] in order to identify [illegible] which was authorized by the [illegible] Chief [illegible] Cherokee Nation. Please read that explanation.
([illegible])
A [illegible]
BY MR. BAUGH: I [illegible]

BY THE COMMISSION: Let [illegible] be read in evidence by the [illegible] as read.

(by Mr. [illegible])
Q [illegible]
Q [illegible]
Q [illegible]

Q Why did she apply before you then? A Because I was clerk for Wallace and did the writing for the Shawnees.
Q Did Wallace make a roll of all the Shawnees? A Yes sir.
Q Did he admit those that were living in Kansas and Oklahoma? A No sir.
Q He did it in the same style that he did with he freedman roll of the Cherokee Nation didn't he? A I dont know anything about the freedman roll.

It is ordered that copies of the testimony filed in the matter of the application of Susan Dougherty, the applicant's mother, be made a part of the record in the present application. It appears that the said Susan Dougherty is listed on Cherokee Strawright card #3104.

* * * * * * * * *

State of Oklahoma, being first duly sworn states that as stenographer to the Commission to the five civilized tribes he reported in full all the proceedings in the above case and that he foregoing is a full, true and correct transcript of his stenographic notes therein.

Thaxton Wreck

Subscribed and sworn to before me this the 30th of October, 1901.

Commissioner

Fig.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T. 10/19-01

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as citizens of the Cherokee Nation.

_____

No. 5296

WHAT THEREFORE GOD HATH JOINED TOGETHER, LET NOT MAN PUT ASUNDER MATT. 19.6.



THIS CERTIFIES

THAT

AND

WERE UNITED

THIS CERTIFIES

THAT

AND

WERE UNITED

IN HOLY NATRIMONY

GOD

D.C.23188-1903.

DEPARTMENTOF THE INTERIOR. J.P. RAF.

ITD. 1826-1903. WASHINGTON.

L.R.S. August 18, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case (D 528) involving the application of Mamie Matney for the enrollment of herself and two minor children, Albert J. and Louis F. Matney, as citizens by blood of the Cherokee Nation, and for the enrollment of herhusband, David B. Matney, as a citizen of said nation by intermarriage, received with your letter of December 23, 1902.

In your decision of December 10, 1902, in favor of the applicants, you found that Mamie Matney was born in Kansas in 1864; that her father was one White (Christian name not known), and her mother is Susan Dougherty, who was then married to White; that her mother was subsequently married to John Day, and still later to one Dougherty, by which name she is at present known; that the maiden name of Mamie Matney was Mamie White, but she is also known by the name of Susan White and Mamie Day. You also found that on the 1871 register of Shawnee Indians who removed to the Cherokee Nation within two years from the 9th day of June, 1869, in accordance with an agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation on June 9, 1869 (see laws of the Cherokee Nation, edition of 1892, page 238), there is found the name of John Day

(No. 287), and immediately following that the name of "Day" (No.288), no Christian name being given; that there is strong and convincing evidence in t he record showing that Mamie Matney and her mother are Shawnees by blood, a d that they removed to the Cherokee Nation under the agreement above mentioned and within the time limited; that there is also some oral evidence to the effect that the applicant, Mamie Matney, appears on said register by the name of Susan White; that an examination of sa d register shows that the name of "White is found thereon (No. 696), no christian name being given.

Said agreement between the Cherokees and Shawnees provides:

"... that the said Shawnees shall be incorporated into and ever after remain a part of the Cherokee Nation, on equal terms in every respect, and with all the privileges and immunities of native citizens of said Cherokee Nation."

It appears that the applicants, Mamie, Albert J. and Louis F. Matney, are identified on the 1890 census roll of the Cherokee Nation as adopted Shawnees, and on the pay roll of Cherokee-Shawnee citizens of the Cherokee Nation, as disbursed by D. W. Lipe, treasurer of said nation, authorized by the act of the National council approved March 30, 1896; that all the applicants, except David B. Matney, are identified as adopted Shawnees on the 1896 census roll of said nation, and that David B. Matney is identified on said roll as an adopted white. June 13, 1895, David B. Matney was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to said Mamie Matney, whom he had previously married in 1887 in accordance with the laws of the State of Kansas.

You state that Mamie Matney first came to the Cherokee Nation

at the time of the removal of the Shawnee Indians thereto, about 1869 or 1870, and remained there until 1872, when she went to Kansas to attend school; that she remained in said State until 1889, when she returned with herhusband to the Cherokee Nation; that they have resided together in said nation continuously since that time up to and including september 1, 1902, and said children, you state, being minors, are presumed to have resided with their parents during that time.

The Cherokee Nation protests against your decision, stating that the testimony is not satisfactory as to whether Mamie Matney ever came to the Cherokee Nation, prior to 1889; that it is true that a number of full blood Shawnees make statements about this applicant's coming to the Cherokee Nation, but none of them is specific, or seemed to know mamie Matney's maiden name; that it does not agree with you that she has ever been identified upon the 1871 Shawnee roll, and the nation's attorney states that it is hardly probable that a full blood, ignorant, Shawnee woman would send her daughter in the year 1873 back to the State of Kansas to school, when she was only about 8 or 9 years old; that the length of time of her residence in Kansas clearly refutes the idea that she was going to school there, because she was 23 years of age when she married there in 1887, and even after her marriage she remained there until her two children were born, that her legal residence was in Kansas from 1862 to 1889. Referring to the provision of the Constitution of the Cherokee Nation which provides that-

"Whenever any citizen of this nation shall remove out of the limits of the Cherokee Nation with his effects and becomes a citizen of any other government all of his rights as a citizen of the Cherokee Nation shall cease,"

it is contended, even if Mamie Matney was ever a citizen of the Cherokee Nation, her residence was in Kansas, and after that time she had no effects in the Cherokee Nation, and particularly after her marria e to her husband in 1887; that she forfeited her ri ht to be enrolled as a citizen of the CherokeeNation, of Shawnee blood, if she ever had any, by removing out of the limits of the Cherokee Nation and becoming a citizen of the State of Kansas, marrying a citizen of that State, where she continued to reside until two children were born to them, when she was seven years past her majority.

Reporting in the matter February 21, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in. A copy of his letter is inclosed.

The presumption, in view of the establishment of residence by this family in the Cherokee Nation in 1887, is that the principal applicant never intended to assume the residence and political status of her husband, in Kansas, and therefore, in view of what was said by the Department June 10, 1903, in the Cherokee enrollment case of Martha Hall et al., concerning certain rolls of the Cherokee Nation, the Department affirms your decision as to Mamie Matney and said children.

The rights of David B. Matney, who claims as a citizen by intermarriage, will not be adjudicated by the Department at this time,

but will await the decision of the Court of Claims upon the question submitted to it on February 24, 1903, relative to the rights of intermarried Cherokees.

Respectfully,

M. W. Miller,

Acting Secretary.

1 inclosure.

COPY.

Refer in reply to
the following:
Land
76807-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, February 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission, dated December 23, 1902, forwarding the record relative to the application of Mamie Matney for the enrollment of herself and her two minor children Albert J., and Louis F. Matney, as citizens of the Cherokee Nation of Shawnee blood, and for the enrollment of her husband, David E. Matney as a citizen of that nation by intermarriage.

December 10, 1902, the Commission held that the applicants were entitled to enrollment in accordance with their application. The Cherokee Nation protests against the Commission's decision and states that Mamie Matney forfeited her right to enrollment as a citizen of the Cherokee Nation of Shawnee blood by removing beyond the limits of the Cherokee Nation.

The record in this case shows that the principal applicant was born in Kansas in 1864; that her father was named White, christian name not known; that her mother was Sheie Dougherty who was married to said White; that her mother subsequently, upon the death of White,

married John Day; and that she is at present the wife of one Dougherty.

The record further showsthat the name of John Day appears on the 1871 register of Shawnee Indians who removed to the Cherokee Nation in accordance with the agreement of June 7, 1869, between the Cherokees and Shawnees; that Mamie Matney, and her mother Susie Dougherty are of Shawnee blood and that they removed to the Cherokee Nation within the time limit fixed by the Cherokee-Shawnee agreement. The testimony is to the effect that the applicant's name appears on the Shawnee register as Susan White and the Commission states in its decision that said register shows opposite No. 696, the name "White" first name not being known. The names of all of the applicants except David B. Matney, appear on the 1890 census roll as adopted Shawnees and also on the 1896 census roll as adopted Shawnees, and that the name of David B. Matney appears on that roll as an adopted white.

The principal applicant and her husband were married in accordance with the laws of the Cherokee Nation April 13, 1893. They were first married in 1887 but not in accordance with the laws of the Cherokee Nation. The principal applicant in this case first removed to the Cherokee Nation in 1869 or 1870; she remained there until 1872 when she returned to Kansas to attend school; she did not return to the Cherokee Nation until 1889, and she and her husband have resided continuously in said nation from that time up to and including the date of their application.

In connection herewith, the attention of the Department is invited to letter of January 24, 1903 (I.T.D 8052-1902) in the Milam C. Smith case. In view of the foregoing and considering the record in the case, the office does not believe that the principal applicant in this case, Mamie Matney, removed from the Cherokee Nation with her effects and became a citizen of the state of Kansas. That being true, she and her minor children Albert J. and Louis F. Matney, are entitled to enrollment as citizens of the Cherokee Nation of Shawnee blood, and she having married her husband in accordance with the laws of the Cherokee Nation, he is entitled to enrollment as an inter married citizen. The approval of the Commission's decision is recommended.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

J.A.W.(P)

Cherokee
D 032

Muskogee, Indian Territory, December 12, 1906.

David B. Watney,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

For your information [redacted] enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. B-11.
C.W.

Commissioner.

Cherokee
D 528.

Muskogee, Indian Territory, December 12, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application for the enrollment of David B. Watney as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 26, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully

Encl. 8-12.
T.B.

Commissioner.

(COPY)

D.C.52903-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHE.

I.T.D. 1926-1903. November 28, 1906.

L.R.B.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of August 18, 1903, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including David B. Matney, as a citizen by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of said David B. Matney is denied. The claims of the other applicants were disposed of in said letter.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs

2 inc. for Ind. Of.

Cher R 1115

Trans from Cher D 531

Cher R 1115

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., October 5th, 1900.

In the matter of the application of Charles H. Stoddard for the enrollment of himself as a Cherokee citizen, he being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Charles H. Stoddard.
Q How old are you? A 52.
Q What is your post-office? A Chetopa, Kans.
Q What is your District? A Delaware.
Q Who is it you want put on the rolls? A Myself.
Q How long have you lived in the Cherokee Nation? A About 15 years.
Q How did you get your admission, by the Cherokee Commission? A A Married a Cherokee woman.
Q Claim as an intermarried Cherokee? A Yes sir.
Q Is your wife dead? A Yes sir.
Q To whom were you married? A She was a widow.
Q What was her name at thetime you married her? A Mrs. Ira Williams
Q Is she alive now or dead? A Dead.
Q When did she die? A 2 years ago last winter.
Q How old was she when she died? A I couldn't tell you exactly
Q As near as you can tell? A About 50.
Q When was it you married her? A In '90 I think.
Q Give me your marriage license and certificate? (Hands papers to Commissioner)

The applicant presents a license issued by the Clerk of Delaware District, dated June 13th, 1890, authorizing his marriage to Mrs. Mary A. Williams. The certificate shows that they were united in marriage on June 28, of the same year by W. O. Beamer, Justice of the Peace, of Chetopa City, La Motte County, Kansas. This is filed herewith.

Q Her name is Ira is it? A Mrs. Ira [illegible]
Q She's been dead some three years? A Yes sir.
Q Was her name Williams on the roll of '96? A I think so.
Q What was the name of her father? A Vann, I couldn't tell you his first name.
Q What was her mother's name? A No sir, I don't remember.
Q Her father is dead? A Yes sir.
Q Mother dead? A Yes sir.
Q Have you ever married since that wife died? A No sir.
Q Was her former husband dead when you married her? A Yes sir.
Q What was her former husband's name? A Ira Williams.
Q You know when she married him? A I guess its been 17 or 18 years, ought to have dead four years when she and I were married.
Q Look on roll page 117, [illegible], Mary A. Williams, Delaware Dist. Look on roll page 248, [illegible], Charles H. Stoddard, Delaware Dist.
Q Have you lived in the Cherokee Nation ever since you married your wife in 1890? A Yes sir. Of course, I may not be there.
Q Where did you live? A In Chetopa.
Q What are you doing there? A Just doctoring, doctor white or negro.
Q What business have you in the territory? A I have a farm.
Q What business did you have up there? A None.
Q Where have you spent most of your time since 1890? A All of it nearly at Bushnell Grove District, about five miles this side of the Kansas line, 2 1/2 miles in the Cherokee Nation.
Q Where have you spent your time the last five years? A There.
Q Entirely the last five years? A Yes, in the winter time I had an old lady keeping house for me and I would go to Chetopa and board and stay there through the cold part of the season doing the winter and then in the spring I would come back and go to work on the farm.
Q Did you ever contribute to the Cherokee Nation from the time

of your marriage until your wife's death? A Yes.
Q Did you ever vote up there at Kansas? A No sir, nothing of that kind.
Q Did you live with her continuously? A Yes sir.
Q Never had any separation at all? A With the exception of-----
Q You don't answer my question, say yes or no. Did you separate from your wife or not? A Yes sir.
Q Did you get a divorce from her? A No sir.
Q Did she leave you or did you leave her? A She left me.
Q Did you stay on the farm or did she stay there? A I staid ther.

Representative, W. T. Hutchings, of the Cherokee Nation:

Q Where had you lived prior to your and your wife's separation?
A Down at Chetopa, 13 miles from there at Timber Hill.
Q Where did your wife go to when you and she separated? A We moved up to Chetopa to educate the child.
Q You hadn't said anything about moving to Chetopa? A This was before this took place. We separated at Chetopa.
Q [illegible] living at Chetopa when you separated? A [illegible] and separated in the spring.
Q [illegible] house at Chetopa? A No sir.
Q [illegible] place? A We lived in Mr. Smith's house.
Q [illegible] wife go to? A She moved out into another house.
Q [illegible] lived in Chetopa? A I remained there a few days and [illegible] to the farm. It was in the spring of the year. I [illegible] and made that my home on the farm there.
Q [illegible] wife get support after she separated from you?
A We had a crop or four acres, divided up, and after that she [illegible] territory.
Q [illegible] any place to support herself? A Yes sir.
Q Did [illegible] over it now? A Yes sir.

[illegible].

Q You [illegible] any children? A Two children.
Q [illegible] by your marriage to her? A No sir.

Witness [illegible] John A. Mills, and [illegible] by Mr. [illegible] interrogatories, testified as follows:

Q [illegible] John A. Mills.
A [illegible].
Q [illegible]
A [illegible].
Q [illegible]

Mr. [illegible]

Q [illegible] Mr. Wishart, the applicant here? A Yes sir.
Q [illegible] wife? A Yes sir.
Q [illegible] time they separated? A No sir, I wouldn't [illegible] I don't believe.
Q You remember the incident of their separation? A Yes sir.
Q Tell what you know about their living together and which left the other, and who remained at the home place. A They separated twice, the first time he had a quarrel with his wife and where he was at work, he went off, I don't know where, right after the separation, and came back and went to the place and made this up and went back together, lived awhile together and separated again at the last time.
Q Which one did the leaving? A She staid on the place.
Q He left her? A Yes sir.

3- Charles H. Stoddard-

A. This place was here, he married her on this place, and she staid when he left her.

Applicant replies:

We were living in Chetopa as I stated when the separation took place.

Rep. W. T. Hutchings to applicant:

Q You didn't have any home in Chetopa? A No sir.

Commissioner.

Q When did you and your wife first separate? A We were living together at Timber Hill.
Q When did you first separate is the question I asked? A At Chetopa, only separated once.
Q You say one and the witness says two? A He don't know understand. The first separation and the only separation was at Chetopa.
Q When was your separation? What year? A I couldn't tell you.what year it was.
Q How long did you live with your wife before you separated from her? A About five years.

Commissioner to witness:

Q You know they separated before that time? A Yes sir.
Q How long had they been married before they first separated? A They lived together several years, two, three, or four or five years.
Q And then began to have separations? A Part a while and then went back together and then finally separated for good.
Q What was the cause of their trouble? A I couldn't say.

Applicants' reply:

This separation that Mr. Wills has reference to is, the two children, a girl about 13 or 14 and a boy about 12 or 13, sometimes children when they have step-parents, don't agree. She said to me you go to theother place and fix that up. This place belongs to the children and it won't be long before they will take charge of it, and it will be theirs. You fix up that place,when you get it fixed and get it alright, then we will live together and the children will be able to take care of themselves. I got there and fixed it up and I went backward and forward from that place over two.

Q How far were these two places separated? A Four or five miles. Sent and went backward and forward from time.

The applicant is sworn to prove up a homestead entry in accordance with the [illegible] law, in [illegible]. His wife is dead. She is identified on the roll of 1880 as a native American. She is identified on the roll of 1880. He states that he was not remarried since his wife died some four years ago. He did not live with his wife continuously from the time of their marriage until her death, nor has he lived continuously in the Territory [illegible] as set forth in the testimony. For the further consideration of this case, his application will be placed upon a [illegible].

4- Charles H. Stoddard-

Edward G. Rothenberger, being first duly sworn, states that as stenographer to the Commission to the Five Civilised Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

Edward G. Rothenberger

Subscribed and sworn to before me this 5th day of October, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 4 1900

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 4 1900 1900.

53 Name Charles H. Stoddard Chetopa Kas

District DELAWARE Year 1896 Page 578 No. 482

Citizen by blood Yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage June 2 1896

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License OCT 5 1900 Certificate Filed

Name of Children

	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age

Recorded in Book A No. 4 Page 57

Cherokee D-531.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Charles H. Stoddard for enrollment as a citizen of the Cherokee Nation.

Supplemental testimony on behalf of the applicant.

Appearances:
Applicant present in person;
J. G. Raugh, Cherokee Representative.

Charles H. Stoddard, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Mr. Stoddard, if you have any other statement to make in regard to this case, you can do so; or any witnesses to present here.
A Well I didn't know what there was against me.
Q Well you know when you were here we told you what there was against you, that you had to be related to your wife after you married her?
A Yes, sir.
Q Well? A The question was whether she left me or I left her; that appeared to be the question; well she left me.
Mr. Raugh: Have you got anything to substantiate your own word; who have you got to prove she left you? A Well, I guess there is somebody here, Mr. Campbell, if he is in, Hugh Campbell.
Mr. Raugh: We will inform any further testimony in regard to this matter; if you can bring it.
Mr. Raugh: Did you have your wife for a divorce? A No, sir.
Q Was it granted? A [illegible] district.
Q In what court? A [illegible]
Q Divorced? A Yes, sir.
Mr. Raugh: All I will object to any testimony being [illegible] the allegation; the records are the best proof.
[illegible]
[illegible] several things, but I [illegible]
[illegible]

Q You don't know what caused the separation then? A No, sir.
Q Did he remain at the house they were living at? A Yes, sir..
Q She went away from there? A That was the way I understood it.
Q Well, do you know anything about it? A I wasn't present at the separation of course I seen him nearly every day there, or at least once a week.

Mr. Baugh: How long had you known them prior to this separation?

A I dont know just the date of that separation, I can't say.
Q About how long? A I would judge one or two years or something like that.
Q Did you live neighbor to them at that time? A About a mile and a quarter to them, yes.
Q Did you ever know of anything connected with their domestic affairs, as to whether they treated each other amicably or not?
A Nothing in particular.
Q You don't know whether he abused her or what the cause of the separation was? A I can't say.
Q It was firmly understood she left him? A Yes, sir.
Q You don't know that of your own knowledge? A I know they separated, I know that of my own knowledge.
Q You don't know but what he might have run her off? A I wasn't present, of course I don't know.
Q As a matter of fact, you don't know nothing about it? A Well, I don't know the particulars of it.

Commissioner: This testimony will be filed.

.....

Bruce C. Jones, being duly sworn, says that he stenographer to the Commissioner of the Fifth Civil Service District and that the foregoing is a true and complete transcript of the stenographic notes taken by him of the testimony in the above case.

Subscribed and sworn to before me this 1st day of October, 1921.

Commissioner.

"R"

D 531

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Charles H. Stoddard, for the enrollment of himself as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter.

Mr. Hastings: Come now the representatives of the Cherokee Nation and move a continuance in this case, for the reason that the representatives of the Cherokee Nation have only recently been informed, to-wit: by letter received this morning, that the applicant Charles H. Stoddard has recently been married to a white woman and is living with her as his wife, and that if these facts be true he is not entitled to enrollment under Section 666 of the Compiled Laws of the Cherokee Nation (1892); and we ask for a continuance for the purpose of ascertaining whether or not these facts be true.

The request of the attorney for the Cherokee Nation will be complied with, and the case continued until the 8th day of March, 1902.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 5, 1902.

Commissioner.

Supl.-C. .#531.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of CHARLES H. STODDARD as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902. The applicant requested permission to continue the case and by agreement with the representative of the Cherokee Nation present, the case was continued until the 11th day of March, 1902. The applicant was also notified that he could introduce any further testimony affecting his case. The applicant having this day, to-wit: the 11th day of March, 1902, been called and failing to appear either in person or by attorney, the case is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record

---

I, J. D. Benson, being first duly sworn, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings had in the above case on this day, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Cherokee D 531.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles H. Stoddard for enrollment as a citizen by intermarriage of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 5, 1900, Charles H. Stoddard appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 24, 1901.

The evidence shows that on June 28, 1890, said Charles H. Stoddard, a white man, was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Mrs. Mary A. Williams, who is duly identified on the 1880 authenticated roll of the Cherokee Nation and the 1896 Census roll of said nation as a native Cherokee.

The evidence further shows that the applicant lived with his said wife for about two years, when, by his cruel and abusive treatment, he forced her to leave their home, and that she has since applied for and been granted a divorce from him by the Delaware District Court of the Cherokee Nation.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 887 of the Compiled Laws of the Cherokee Nation (1892) provides

> "Every person who shall lawfully marry under the provisions of this Act and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the said Charles H. Stoddard abandoned his wife within the meaning of the section of the Cherokee law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, I.T. this

4th	Mary A.Stoddard Vs. Chas.Stoddard ,	Decree of the Court for absolute divorce only.The property sued for being arranged by agreement of the parties.

Executive Office Cherokee Nation,

Tahlequah Ind.Ter.

I,B.W.Alberty,Assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the Docket of the Circuit Court of Delaware District Cherokee Nation for the September Term of said Court 1894; that said docket with other records have been filed in this office by law and is in my legal custody.

Given from under my hand and the seal of the Cherokee Nation this the 24th day of January 1902.

B.W.Alberty.

Assistant Executive secretary,

Cherokee Nation.

Cherokee Dist

Mary A. Stoddard

vs.

Charles H. Stoddard

Now on the 10th., day of September 1894 being the return day of the summons, the plaintiff appeared by her attorney and the defendant appeared by his attorney and it appearing to the Court that the defendant had been regularly served with the citation and it being shown to the court that the contentions as to the property between the parties had been settled and the defendant having confessed the allegations set up in the plaintiffs citation for divorce. It is therefore considered, ordered and adjudged by the court that the bonds of matrimony heretofore existing between plaintiff and defendant be and same is hereby dissolved, set aside and held for nought and the plaintiff is hereby restored to all the rights of a single and unmarried woman, and the plaintiff is restored to her original name

H.T. Landrum

Circuit Judge N.J. C.

Executive Department, Cherokee Nation.

Tahlequal Indian Territory.

I hereby certify that above is a true copy of the original now on file in this office and in my legal custody.

Given this the 30th., day of June 1902.

Executive Secretary.

CITATION.

Cherokee Nation,
Delaware District.

TO ANY LAWFUL OFFICER.

Greeting:

Your are hereby commanded to summon Chas. H. Stoddard to appear at the lawful place of holding court in said District on the 2d. Monday in September 1894 at 9 o'clock A.M. then and there to answer the demand of Mary A Stoddard who claims the right to a divorce from the defendant on the grounds of extreme cruelty and for alimony, and for cause of action plaintiff alleges that she and defendant were duly married on the 28th., day of June 1890 and lived together as husband and wife until the 15th. day of August 1892. Plaintiff states that while she and defendant lived together as man and wife she always performed her duties as a kind and loving wife should toward her husband, but notwithstanding her kindness to her said husband he would be and was cruel and abusive and on one occasion struck at plaintiff and came near hitting her and threatened to knock her brains out and on other occasions would abuse and curse plaintiff and her children and mistreat them plaintiff states that [illegible] not but forbearance ceased to be a virtue and defendant's treatment toward herself and children became unbearable that defendant failed and refused to provide for herself and her said children and his treatment toward her was such as to destroy her peace and happiness and to render her life miserable and dangerous and by such treatment she was forced she was forced to leave home, for fear of bodily harm plaintiff states that her name before she was married was Mary A. Williams to which name she wishes to be restored. Plaintiff further states that defendant is a white man and that defendant owns a large number of horses worth [illegible] and a farm worth $[illegible] or $[illegible]. she respectfully prays for one half of said property of defendant's as alimony.

Therefore the premises considered the plaintiff prays for a

decree of divorce from the defendant and for an order restoring her to her name, Mary A. Williams, and such action as the court deems just and equitable as regards defendant's citizenship and other relief and for one half of defendant's property or so much thereof as the court may adjudge.

Fail not to execute this Summons within the time and return as required by law.

Given from under my hand and seal of Office, this the 24th., day of July 1894.

J.E. Duncan
Clerk Delaware District.

Seal.

Cherokee Nation
Delaware District.

Mary A. Steddard being duly sworn states that she has read the above and foregoing citation and that the statement the ein made are true as she verily believe.

Mary A. Steddard.

Subscribed and sworn to before me this 24th., day of July 1894

J.E. Duncan
Clerk Delaware District.

Executive Department, Cherokee Nation.
Tahlequah, Indian Territory.

I hereby certify that the foregoing two pages of typewritter matter is a true and correct copy of the original citation in the case of Mary A Steddard vs. Chas. W. Steddard, which is now on file in this office and of which I have legal cary This the 8th., day of June 1896.

J.J. Parks
Executive Secretary.

Chinoke. D. 5.31.

Mary A. Stoddard

vs.

Charles T. Stoddard

Now on the 10th., day of September 1894 being the return day of the summons, the plaintiff appeared by her attorney and the defendant appeared by his attorney and it appearing to the Court that the defendant had been regularly served with the citation and it being shown to the court that the contentions as to the property between the parties had been settled and the defendant having confessed the allegations set up in the plaintiffs citation for divorce. It is therefore considered, ordered and adjudged by the court that the bonds of matrimony heretofore existing between plaintiff and defendant be and same is hereby dissolved, set aside and held for naught and the plaintiff is hereby restored to all the rights of a single and unmarried woman, and the plaintiff is restored to her original name

T. T. Vandiver

Circuit Judge N. D. C.

Executive Department, Cherokee Nation.

Tahlequa Indian Territory.

I hereby certify that above is a true copy of the original now on file in this office and in my legal custody.

Given under my hand, this 2nd., day of June 1902

[illegible]

Executive Secretary.

Stoddard, Mary A.

vs.

Stoddard, Charles H.

Divorce

CITATION.

Cherokee Nation
Delaware District

TO ANY LAWFUL OFFICER.

Greeting:

Your are hereby commanded to summon Chas. W. Stoddard to appear at the lawful place of holding court in said District on the 2d. Monday in September 1894 at 9 o'clock A.M. then and there to answer the demand of Mary A Stoddard who claims the right to a divorce from the defendant on the grounds of cruelty and for alimony, and for cause of action plaintiff alleges that she and defendant were duly married on the 28th., day of June 1892 and lived together as husband and wife until the 15th. day of August 1893. Plaintiff states that while they lived together as man and wife she always performed her marriage duties as a kind and loving wife should toward her husband, but notwithstanding her kindness to her said husband, he would be cruel quarrelsome and abusive and on one occasion struck at plaintiff and came near striking her and threatened to strike her brains out and on other occasions would abuse and curse plaintiff and her child or children and threaten them. Plaintiff states she tried to condone defendant conduct but finds she cannot

by virtue and his cruel treatment toward herself and children because unbearable that he defendant failed and refuses to provide for herself and her said children and his treatment toward her was such as to destroy her peace and happiness and to render her life miserable and dangerous and by such treatment she was forced to leave home, for fear of bodily harm. Plaintiff states that her name before she was married was Mary A. Williams to which name she desires it be restored. Plaintiff further states that defendant is a white man and that defendant owns a large number of horses, cattle and hogs and a farm worth $[illegible] or $800.00. She asks judicial decree for one half of said property of defendant's as her own

Plaintiff sues for a

decree of divorce from the defendant and for an order restoring her to her name, Mary A. Williams, and such action as the court deems just and equitable as regards defendant's citizenship and other relief and for one half of defendant's property or so much thereof as the court may adjudge.

Fail not to execute this summons within the time and return as required by law.

Given from under my hand and seal of office, this the 24th., day of July 1894.

J.E. Duncan
Clerk Delaware District.

Seal.

[redacted] Standard being duly sworn states that she has read the above and foregoing citation and that the statements therein made are true as she verily believe.

Mary A. Standard.

Subscribed and sworn to before me this 24th., day of July 1894

J.E. Duncan
Clerk Delaware District.

CHEROKEE NATION, I. T.,)
(City of Tahlequah) DISTRICT)

I, Williams a Justice of the Peace

hereby certify that on the 29th day of June 1887

I joined in Marriage, Mr. Charles Sizemore a citizen

of the United States, and Miss Margaret Williams a citizen

of the Cherokee Nation, agreeable to the authority given in the within

License and the customs and laws of the Cherokee Nation.

Given under my hand this the 29th day of June

A. D. 1887.

Justice of the Peace
for Tahlequah
Cherokee Nation

Marriage License.

CHEROKEE NATION, I. T.,)
Delaware DISTRICT)

To Any Person Legally Authorized to Solemnize Marriage—Greeting:

~~You are hereby authorized to join in the Holy Bonds of Matrimony,~~ and to celebrate the rites and ceremonies of **Marriage**, between Mr. Charles H. Haddock, a citizen of the United States and Miss [illegible], a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation and you are required to return this **License** to me [illegible] within thirty days from the celebration of such **Marriage** with a Certificate of the same endorsed thereon and signed by you.

Given under my hand and Seal of Office [illegible]

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALTISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902

Mr. Charles H. Stoddard,
Chetopa, Kansas,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the first day of March, 1902,

On said day you will be required to appear before the Commission in person or by attorney, when and where you may present such additional testimony affecting your application.

Cherokee-631

Muskogee, Indian Territory, March 5, 1902.

Mr. C? H. Steddard,

Russell Creek, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of February 27, stating that on account of sickness you will be unable to appear before the Commission on March 1, the date set for the final hearing of your application for enrollment as a citizen of the Cherokee Nation, and requesting that the hearing of your case be postponed until March 10.

In reply, you are advised that on the date set for the hearing of your case the same was called and you not appearing, was continued until March 8, 1902.

Yours truly,

Commissioner in Charge.

Cherokee D-331

Muskogee, Indian Territory, June 26, 1902.

Charles H. Stoddard,

Chetopa, Kansas.

Sir:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are directed to furnish additional personal testimony, other than your own, showing whether or not you ever abandoned your wife, Mary A. Stoddard, in her life time; also as to your place of residence on June 28, 1898, and prior thereto.

This testimony must be furnished to the Commission at Muskogee, Indian Territory, on or before July 12, 1902.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D-831.

Muskogee, Indian Territory, June 25, 1902.

J. T. Parks,

Executive Secretary, Cherokee Nation,

Tahlequah, Indian Territory.

Sir:

In the matter of the application of Charles H. Stoddard for enrollment as a citizen by intermarriage of the Cherokee Nation, you are requested to furnish the Commission with a certified copy of the complaint or petition for divorce and the answer thereto, if any, in the case of Mary A. Stoddard vs. Charles Stoddard, determined in the Cherokee Circuit Court for Delaware District at the September term 1894 of said Court. The object of requesting these copies is to obtain information as to the grounds on which a divorce was granted, as the decree on file with the Commission fails to show the same.

Yours truly,

Re

Commissioner in Charge.

Cherokee D-831

Muskogee, Indian Territory, July 14, 1902.

Charles M. Stoddard,

Chetopa, Kansas,

Dear Sir:

Receipt is hereby acknowledged of affidavits signed by T. W. Clark and K. Huggins, relative to your separation from your wife Mary A. Stoddard.

These affidavits will be filed but you are advised that the same can not be considered by the Commission and you are requested to bring Mr. Clark and Mr. Huggins before the Commission for examination under oath. You will be allowed fifteen days from date hereof in which to comply with this request.

Very respectfully,

Acting Chairman.

Register.

Cherokee D-821

Muskogee, Indian Territory, July 16, 1902.

Charles H. Stoddard,

Chetopa, Kansas,

Dear Sir:

Receipt is hereby acknowledged of affidavits signed by T. W. Clark and K. Huggins, relative to your separation from your wife Mary A. Stoddard.

These affidavits will be filed but you are advised that they are insufficient and you are requested to bring Mr. Clark and Mr. Huggins before the Commission for examination under oath. You will be allowed fifteen days from date hereof in which to comply with this request.

Yours truly,

Acting Chairman.

Register.

Cherokee D-551.

Muskogee, Indian Territory, December 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Charles H. Stoddard for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 1, 1902, rejecting said application.

Respectfully

Through the Commissioner of Indian Affairs.

Acting Chairman.

Enc. H-71.

Cherokee L-551.

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Charles W. Stoddard for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the same is received in advance of the mail.

Respectfully,

Acting Chairman.

Enc. Y-79.

Cherokee D-531.

Muskogee, Indian Territory, December 3, 1902.

Charles H. Stoddard,

Chetopa, Kansas.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with the Commission's decision, dated December 1, 1902, rejecting said application.

The decision, with the record of proceedings had in the case, was this day transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

Acting Chairman.

Enc. M-69.
Register.

Cherokee
D 531

Muskogee, Indian Territory, December 13, 1906

Charles H. Stoddard,

Chetopa , Kansas.

Dear Sir:

You are hereby advised that the decision of the Commission to the five Civilized Tribes dated December 1, 1902, refusing your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department on November 30, 1906.

For your information there is herewith enclosed a copy of Departmental decision referred to.

Respectfully,

Encl. B-66

Commissioner

Cherokee
D 531

Muskogee, Indian Territory, December 13, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 1, 1902, rejecting the application for the enrollment of Charles H. Stoddard as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department on November 30, 1906

For your information there is herewith enclosed a copy of Departmental decision referred to.

Respectfully,

Encl. B-59

Commissioner

(COPY)

D.C. 53181-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHE.

I.T.D. 1988-1903. November 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to letter of the Commission to the Five Civilized Tribes of December 3, 1902, you are advised that the application for the enrolment of Charles W. Stoddard as an intermarried citizen of the Cherokee Nation is denied, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims.

A copy of Indian Office letter of February 24, 1903, recommending that the decision of the Commission adverse to the applicant be concurred in, is inclosed.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 4 to Ind. Of.

Land.

72595-1902.

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON. Feby. 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated December 3, 1902, forwarding, for the Department's consideration, the record relative to the application of Charles H. Stoddard, for the enrollment of himself as an intermarried citizen of the Cherokee Nation.

December 1, 1902, the Commission held that the applicant was not entitled to enrollment as an intermarried citizen of the Cherokee Nation.

The evidence in this case shows that on June 26, 1900, Charles H. Stoddard, a white man, lawfully married under a Cherokee license, Mary A. Williams, whose name appears on the 1880 roll, and on the 1896 census roll, as a native Cherokee.

Some of the witnesses in this case testified that the applicant left his citizen wife, while others testified that she left him, but the record shows that he lived with her about two years, that his treatment of her was cruel and

abusive, and that if she did leave him she was forced to leave their home on account of his cruel and abusive treatment of her. She applied for and was granted a divorce September 10, 1894, from this applicant, by the District Court of the Cherokee Nation for the Delaware District.

Considering the manner in which this applicant treated his wife, the office is of the opinion that such treatment was, in fact, within the meaning of section 667 of the compiled laws of the Cherokee Nation, an abandonment of her, and that he is not therefore entitled to enrollment as an intermarried citizen of the Cherokee Nation.

The approval of the Commission's decision adverse to him is recommended.

Very respectfully,

A. C. Tonner,

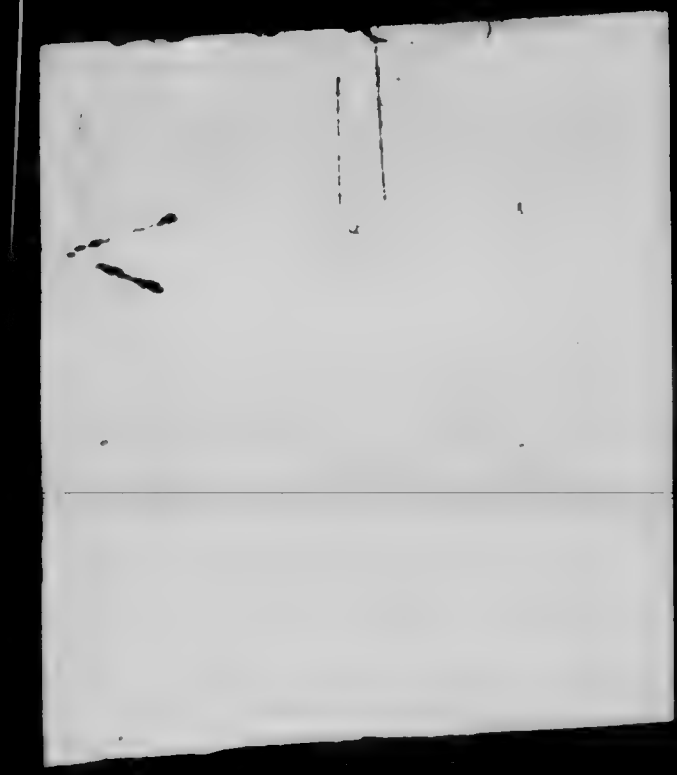
Acting Commissioner.

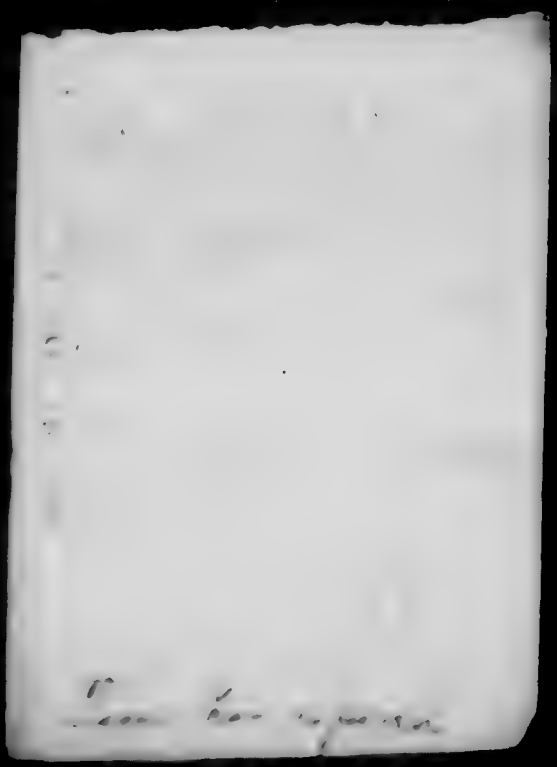
GAW-C.

Cher R 1116

Trans from Cher D544

Cher R 1116





DEPARTMENT OF THE INTERIOR
OMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1900

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 8- 1900 1900.

Name

District Year 1896 Page 521 No. 580

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Name of Children

	Date	Year	Page	No.	Age

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
BARTLESVILLE, I. T., OCTOBER 8TH, 1900.

IN THE MATTER OF THE APPLICATION OF Wallace Thursday, for the enrollment of himself, wife and grand child for enrollment as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Wallace Thursday.
Q How old are you? A About fifty one years old.
Q What is your Postoffice? A Bartlesville.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the roll: Do you apply for yourself: Are you a Cherokee? A No sir.
Q Do you apply for your wife? A Yes sir.
Q How many children? A She has one grand child: She has no children.
Q Is your wife a Cherokee by blood? A She is a Delaware.
Q How long has she lived in the Cherokee Nation? A Thirty years I reckon; ever since the Delawares came here.
Q How old is she? A Fifty one.
Q What is her name? A Mary Thursday.
Q What was her name when you married her? A Anson.
Q How long since you married her? No response - hands paper to Commissioner.

The applicant presents a license, issued by the Clerk of Coowescoowee District, October 11th, 1887, authorizing ~~marriage~~ his marriage to Mary Anderson, and the certificate shows that they were married in accordance with said license on the same date, by the Clerk of the District. This is filed herewith.

Q What are you; a colored man? A One half Creek and one half colored.

By Mr. W. W. Hastings, Cherokee Representative:
Q Are you part Creek? A Yes sir.
Q Are you a recognized citizen of the Creek Nation? A No sir; of the Cherokee Nation.

By the Commission:
Q Do you apply for yourself then? A Yes sir.
Q Have you and your wife lived together ever since you were married in 1887? A Yes sir.
Q Was her name Anderson in 1880, twenty years ago? A I can not tell you: I have had her twenty years.
Q Do you know what her name was before it was Anderson? A No sir, I can not tell you.
Q Now give me the name of this grand child? A Sam Tom.
Q How old is he? A Fifteen years old.
Q What is the name of his mother? A I do not know.
Q Is this child an orphan? A Yes sir.
Q Was his mother a daughter of your wife? A No sir, her son's boy.
Q What is the name of the father? A Wild Bill.
Q He is dead, is he? A Yes sir.
Q How long has he been dead? A About eight years ago I think.
Q Was this child's mother a Cherokee woman? A No sir.
Q White woman, was she? A Delaware.
Q Was she a full blood? A I do not know.
Q You do not know her name? A I did know it, I have forgotten it.
Q Was the father regularly married to this boy's mother? A I do not know.
Q What was she? A She was one half colored I think.
Q What else? A I do not know.
Q Give me her name? A Alcena Ingram.

(1880 Roll, Page 10, #44, Mary Anderson, Coowescoowee D'ct)
(1896 Roll, Page 102, #118, Mary Thursday, Coowescoowee D'ct)
(1896 Roll, Page 421, #1249, Wallace Thursday, Freedmen Roll)

Cooweescoowee District)
(1896 Roll, Page 82D, #180, Samuel Bob, Cooweescoowee D'st)
(1880 Roll, Page 59, #45, Willie Bob Anderson, Cooweescoowee District)

Q This grand child is living now, is he? A Yes sir.

Mr. J. B. Parker, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q What is your full name? A J. B. Parker .
Q What is your age? A Fifty two.
Q How long have you lived in the Cherokee Nation?
A About thirty two years.
Q You are one of the official witnesses here for the Cherokee Nation, are you not: Interpreter? A Yes sir.
Q Did you know Wild Bill Anderson, the son of Mary Anderson?
A I knew Wild Bob or Wild Bill; yes sir.
Q Her son? A Yes sir.
Q A son of this applicant's wife by a former marriage? A Yes sir.
Q He is dead now? A Yes sir.
Q Been dead about eight years? A Yes sir.
Q Was he married before he died? A I do not know.
Q Did you ever know the woman, Alena Ahquah, that was said to be his wife? A Yes sir; but I do not know it to be a fact.
Q What was she? A I do not know: She might have been part colored and part white.
Q Do you know whether she lived with him as his wife?
A I do not know.
Q Do you know whether they lived together at all?
A No sir; I do not.

Applicant recalled:
Q What do you know about their living together as husband and wife? A They were living together.
Q They were living together to the time of her death, were they?
A Yes sir.
Q Did she die before he did? A Yes sir.
Q Do you know they lived together before this boy was born?
A I do not know: He brought her home when the kid was born, and said that was his wife.
Q Did you know Wild Bill all his life? A Yes sir.
Q Did he ever claim any other woman as his wife? A No sir.
Q And he brought this woman to your house and said she was his wife? A Yes sir.
Q Did you hear of their having married? A Yes sir, but I did not ask how they lived together, Indian fashion, old fashion or how.
Q You never heard of him living with any other woman as his wife?
A No sir.
Q Old fashion? A No sir.
Q Did you ever hear of any witnesses this woman living with any other man? A No sir. I do not know anything about it. That is further than my knowledge went.

By Mr. W. W. Hastings, Cherokee representative
Q Did he ever have any other children by this woman? A He has a girl.

By the Commissioner: Is he now married? A Yes sir.
Q Did he ever have any other children by this woman he claimed?
A No sir.

By Mr. W. W. Hastings, Cherokee representative
Q What is the name of that other child he claimed? A Willie Bob.
Q Is she married? A Yes sir.
Q To whom? A I have forgotten his name. There he stands with his

coat, right there against that post. (indicating)
Q Is that the only child he had by this wife; this one?
A Yes sir; they are the only two children as he had.
Q Were they both by the same mother? A Yes sir.

By the Commission:
Q Is that other child, Lizzie, older or younger than this one?
A Older.

The applicant applies for the enrollment of himself, hiw wife and a grand child of his wife's: His wife is identified on the rolls of 1880 and 1896, as an adopted Delaware. Her change of name is established by the marriage license and certificate filed herewith: She has lived in the Cherokee Nation thirty years, and will now be listed for enrollment as an adopted Delaware.

The applicant is identified with his wife on the roll of 1896, and is shown by the marriage license and certificate to have been married to her in accordance with Cherokee law, in 1887. He states that they have lived together ever since their marriage.

The applicant states that he is half Creek and half colored, and he is identified on the roll of 1896, as a "Freedman". For the further consideration of his rights, his application for his own enrollment will at present be placed upon a doubtful card, and when a final decision is reached, he will be notified at his Post-office address.

As for the grand child, this child is identified on the roll of 1896, and is living now. His father is identified on the roll of 1880: His father has been dead some eight years: His mother is dead: She can not be identified on the roll of 1880, nor can accurate information be obtained in regard to her at this time. It is desired to determine more definately the fact of the marriage of this child's father and mother: For the present, this application for the child will be placed upon a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this [illegible] February, 1906.

[illegible]
Commissioner.

"R"

Cherokee D 544

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Wallace Thursday for the enrollment of himself as a Cherokee citizen.

Appearances:
E.B.Lawson, Esq.? attorney for the applicant, Nowata,I.T.
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 12,1902, that his case, application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the first day of March,1902; receipt has been acknowledgedof the Commission's letter, and the applicant this day appears by his attorney, E.B.Lawson, Nowata, I. T.

BY COMMISSION OF ATTORNEY LAWSON: Any statement you desire to make relative to this case? A No sir, there is just a brief I desire to file in the case, that is all.

BY COMMISSION: The attorney for the applicnt files brief in the matter of the above application.

BY MR. HASTINGS: The representatives of the Cherokee Nation protest against the enrollment of the applicant, Wallace Th rsday, upon the ground that there is no law authorizing the intermarriage of colored people with citizens of the Cherokee Nation of Delaware, Shawnee or Cherokee blood, and therefore that this applicant Wallace Thursday is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit this case and same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

W.O.Trent, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 1,1902

Commissioner

MARRIAGE LICENSE.

Cherokee Nation, I. T.,)
:)
Cooweescoowee District.)

To Any Person Legally Authorized to Solemnize Marriage--Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Walace Thursday, a citizen of the United States and Mrs Mary Anderson, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the 11th day of October A. D., 1887

Wm V Carey,
Seal Clerk Coowescoowee District.

Cherokee Nation, I. T.,)
:)
Coowescoowee District.

I, Wm V Carey Dist Clerk Coo. Dist. C. N. hereby certify that on the 11th day of October, 1887 I joined in Marriage, Mr. Walace Thursday a citizen of the United States, and Mrs Mary Anderson a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 11th day of October A. D., 1887

Wm. V. Carey Clk, C. D. C. N.

Recorded as provided by law this 11th day of Oct A D 1887.
Wm. V. C.
Clk C.D.C.N.

Muskogee, I. T., June 2, 1902.

I, M. W. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the original Marriage License and Certificate, which is now on file in the office of the Commission.

M. W. Vance

G
Cherokee D 544

Department of the Interior,
Commission to the Five Civilized Tribes,
Dewey, I. T., October 18,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of WALLACE THURSDAY for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; being sworn and examined he testified as follows:

BY COMMISSION:

Q What is your name? A Wallace Thursday.
Q How old are you? A 54 years old.
Q What is your post-office address? A Bartlesville, I. T.
Q You claim citizenship in the Cherokee Nation by intermarriage?
A By marriage, that is all.
Q What was the name of your father? A Thursday.
Q What was he? A He was a Creek.
Q A recognized citizen of the Creek Nation? A No sir, he never lived in the Creek Nation.
Q What was the name of your mother? A I don't remember my mother, she died when I was small.
Q What was she? A Half colored woman; that is all I know.
Q Colored and white? A I expect, I don't know what.
Q You never were a slave in the Cherokee Nation before the war?
A No sir.
Q Do you claim to have a right as a Cherokee Freedman? A No sir, not a bit; that is all the claim I have got in the Cherokee Nation, is by intermarriage.
Q You are not on the Cherokee rolls and your parents are not on the Cherokee rolls? A My parents were not; I was enrolled at the census taking.
Q Did you come to this Nation with the Delawares? A Yes sir, I come with the first ones that come to the Cherokee Nation.
Q Since your marriage to your present wife have you lived with her continuously in the Cherokee Nation? A Yes sir, all the time.
Q Were you ever married before? A No sir.
Q Was she ever married before? A She had a man before, she was not married.
Q Was she ever married more than once before you married her?
A I don't know.
Q Was her husband dead when you married her? A Yes sir.

I, [illegible], being first duly sworn, state that the foregoing is a true and complete transcript of the stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this November 4, 1902.

[illegible]

In the matter
of the application
of Walter Thomas
for a Return
to the District Court

Before the Hon. Dawes Commission at Muskogee, Ind. Ter.

In the matter of the application for enrollment as ~~a~~ citizens of the Cherokee Nation of Wallace Thursday.

Brief on the part of applicant.

Comes now Wallace Thursday the aplicant herein and states to this Commission that he was married to Mary Anderson a citizen of the Cherokee Nation on October 11th, 1887 in accordance with the laws of the Cherokee Nation, the license and certificate of marriage being filed herein

Applicant represents that he is a half creek and half Freedman and this is not disputed. The name of Mary Anderson now Mary Thursday appears on the 1880 roll of authenticated citizens and the name of Wallace Thursday appears on the 1896 roll of authenticated citizens as a Freedman.

The only contention in this matter is whether he should be ~~[illegible]~~ enrolled as an intermarried citizen or as a Freedman.

Our contention is that he should be enrolled as an intermarried ~~[illegible]~~ citizen and we would respectfully refer the Commission to ~~section~~ ~~[illegible]~~ the Laws of the Cherokee Nation of 1892, on Intermarriage

There is no contention between the applicant and the Cherokee Nation that aplicant should not be enrolled on some roll.

[signature]

Attorney for the applicant.

Department of the Interior.

Commission to the Five Civilized Tribes,

In the matter of the application of Wallace Thursday for enrollment as a Citizen of the Cherokee Nation.

Brief of Applicant, in reply to brief on behalf of the Cherokee Nation

Now comes the applicant, Wallace Thursday, and replying to the statements made in the brief filed on behalf of the Cherokee Nation, says; that section 659 Article 16 of the Compiled Laws of the Cherokee Nation of 1892 reads as follows, "Whereas the peace and prosperity of the Cherokee people require, that, in the enforcement of the law, jurisdiction shoul be exercised over all persons whatever, who may from time to time be priviledged to reseide within the Territorial limits of this Nation, therefore, every white man, or Citizen of the United States, or of any foreign State of Government, desiring to marry a Cherokee, Delaware or Shawnee Woman, Citizen of the [redacted] Nation, shall be and is hereby required to obtain a license for the same from any of the District clerks of the several Districts, and make oath or satisfactory showing to such Clerk, that he has not a surviving Wife, fromwhom he has not been lawfully divorced."

And again in Article 16 Section 663 of the Compiled laws of the Cherokee Nation of 1892, reads as follows; "No marriage between a Citizen of the United States or of any foreign Nation and a female Citizen of this Nation, entered into within the limits of this Nation, except as herein before authorized and provided shall be legal."

Now it will be readily seen that said sections referred to apply not only to white men but to Citizens of the United States and Citizens of a foreign Nation and we do not see how the Cherokee Nation can contend that the law only applies to White men when the law itself says that it applies to all Citizens of the United States.

Certainly the Cherokee Nation cannot contend that at this time this Commission should consider any statement made in the brief on the part of the Cherokee Nation relative to any decision made by the Supreme Court of the Cherokee Nation. We contend that the only way to get before this Commission a judgment of any Cherokee Court is to present as evidence a certified copy of said decision.

Respectfully submitted.

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., April 14, 1904.

In the matter of the application of
Wallace Young for enrollment as a
citizen of the Cherokee Nation. } I. T. 544.

Brief on behalf of the Cherokee Nation.

The Cherokee Nation protested against the enrollment of [illegible], Wallace Young, upon the ground that there [illegible] doing the business of intermarried colored people with citizens of the Cherokee Nation of Delaware, Shawnee or Creek [illegible]. And the Cherokee Nation contends that the intruders [illegible] Cherokee Nation [illegible] of the compiled Laws of the Cherokee Nation [illegible] referred only to the intermarried colored men. The Cherokee Supreme Court [illegible] decision rendered [illegible] June 20, 1871, in which the court [illegible] that [illegible] a correct interpretation of [illegible] will not authorize a clerk of any of the courts to issue [illegible] to marry a Cherokee woman or it only applies to, or the [illegible] Cherokee women.' This decision [illegible] our contention that a colored man can not become a citizen of the Cherokee Nation by intermarriage. This applicant is either a colored man or a Creek; if a Creek he should be enrolled as a citizen of the Creek Nation; and if he is a colored man he is not entitled to be enrolled as a citizen of the Cherokee Nation.

This contract is also in violation of the Curtis Bill now in force in the Indian Territory found in [illegible] of Scofield's Digest, which reads as follows:

[illegible]

Decision of Commission in regard to Colored men who have married Cherokee women citizens of the Cherokee Nation made June 20, 1871.

"Tuesday Morning, June 20, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, towit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.
"Henry Johnson, Tahlequah "
"Lee Cooper, "
"Henry Bird, "
"William Madden, "
"Alonzo Cullen, "
"Solomon Foster, Illinois
"William Hudson, "
"Haywood Youngblood, Sequoyah District"

Executive Department Cherokee Nation

Tahlequah I T, June 22 1871

I, J T Parks Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a Special Court of Commission as found on record in said Court's Docket from Page [illegible] Minutes of Special Court of Commission, and Executive Department.

Given under my hand with the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory on [illegible] day and date above written.

[illegible]
Executive Secretary of Cherokee Nation

COMMISSIONERS
HENRY L. DAWES
JAS. S. HIXBY
THOMAS B. NEEDLES
W. BROOKINRIDGE
C. J. BYLESWORTH, SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902.

Mr. Wallace Thursday,

Bartlesville, Indian Territory,

Sir:-

You are hereby notified that the application of [illegible]

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on

the first day of March, 1902,

[illegible]

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

February 27 1902

Received of the Commission to the Five Civilized Tribes
~~one copy of the~~ testimony in the matter of the application of
Wallace Thursday for enrollment as
~~Freedm~~citizen of the Cherokee Nation.

E B Lumpkin
Clerk

No. C 1111

544

Cherokee-D-965

Muskogee, Indian Territory, July 10, 1902.

Wallace Thursday,

Bartlesville, Indian Territory,

Sir:

Referring to the application for your enrollment as an intermarried citizen of the Cherokee Nation, you are hereby notified that you will be allowed 30 days from date hereof to submit to this Commission at its office in Muskogee, Indian Territory, such testimony as you may desire tending to show what right, if any, you have to enrollment as a Cherokee Freedman.

Very respectfully,

Acting Chairman.

Register.

Cherokee No.
D. 544

Muskogee, Indian Territory, January 10, 1907.

Wallace Thursday,

Bartlesville, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

DECISION

Department of the Interior,

Commissioner to the Five Civilized Tribes

DECISION

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N Bateman	1029
Susan Bullard	1065
Lucy Eva Stumon	1073
Ellen Thornton	1089
Sarah E Hart	1090
Norman S Locke	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Roxie Shepard	1128
Robert G Elgin	1136
William Hall	1157
Mary Ella [illegible]	1311
Margaret D Ross	1330
Joseph M Cook	1337
Lou Ross	[illegible]
George L Nance	[illegible]
Martha P [illegible]	[illegible]
Clarence M [illegible]	[illegible]
[illegible]	[illegible]
William H Nance	[illegible]
[illegible]	[illegible]
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Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hart	2385
Dora Savet	2474
William T Jone	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George I Morgan	2568
Andrew A Brown	2575
Louis Ly Lee	2623
James L Mitche	2641
Martha I McNee	2659
Michael I Lee	2668
Esther M Cox	2686
Jessie M Rober	2691
Annie Myers	2708
Rose Sweene	2
Lewis F Ellis	2
William Pe	2
William A Myers	2
Joseph Q	2
Wm Ellis	2
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Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
~~Mollie Swannock~~	~~4319~~
Frances Guess	4324
Allen H. Gibson	4327
John McLain Jr	4343
Albert W. [illegible]	4360
George S. Lott	4386
Quinn Carr	4387
William A. [illegible]	4390
Austin Hasley	4400
Anna Bates	4414
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Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Berthoff	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Travers	4650
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Mary C. [illegible]	4653
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John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosanee Hendricks	5278
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Paulina P. Pitcher	5614
Charley Headrick	5615
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John H. Shump	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
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William R Sartain	5837
Joseph A Lawrence	5843
William H Hinton	5846
Joseph Lehr	5851
Emm M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W Young	5872
Farley F Ellis	5874
Rosa B Alberty	5877
Sarah Cannon	5879
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Jack H [illegible]	5888
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James J Snider	6375
William H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William A Lisk	6392
William O Ames	6394
Thomas Wilkerson	6396
Alice C Springston	6407
Fanny N Witt	6413
Lillie M Adair	6424
Mark E Matheson	6428
Ida L Wilson	6431
George E Mann	6441
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Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary E Foreman	7158
Alma West	7159
James M Cassally	7161
Frances M Crowell	7163
Fannie E McClure	7171
Benjamin B Gresham	7176
Ada Phelps	7180
Wallace L Whitehead	7184
Frances B Perry	7191
Phelip Steele	7210
Hester A Major	7212
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George E Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Jane Thomas	9562
James F Petty	9563
Laura McClain	9566
Jacy D Smith	9568
William T Cave	9572
William Bagley	9577
Lewis M Smith	9582
Lola I Nazworth	9583
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Ida L White	10026
Addie B Miller	10027
William R Condra	10028
James D Canary	10029
John Kelley	10031
Kate Craig	10033
John A Batts	10034
John J Patterson	10035
William Warner	10036
George V Aller	10037
Walter Shurley	10038
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Sarah A Fields		10214
Susie Henderson		10216
Charles H Rienhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Timberlake		10226
George A Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M Custer	D	17
Martin L Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	103
George T Kidds	D	108
Henry C Agenis	D	139
Joseph Phipps	D	147
Henry Hutson	D	149
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Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J High	D	491
America Matoy	D	501
Moses L Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W Baker	D	546
Mattie E Keys	D	550
William S Edwards	D	560
Susan L Reed	D	572
William H Lyman	D	574
Gracia Davis	D	577
Edward C Boles	D	582
Dora Guthrie	D	585
Samuel H Hawkins	D	594
Lula M Powell	D	600
Ben Estes	D	603
Thomas M Reynolds	D	621
Arthur Dunge	D	622
Carrie L McNutt	D	624
Charleston N Watson	D	641
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Rhoda A Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N Gunn	D	974
Hannah Parson	D	989
Nellie C Helterbrand	D	1003
Thomas J Welch Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M Jones	D	1022
Reuben A Evans	D	1032
Carrie H Cobb	D	1049
John M Burns	D	1069
Sarah E. Henson	D	1085
Laura D Henson	D	1086
Hettie F Dewberry	D	[illegible]
Benjamin F Crain	D	[illegible]
Benjamin Strickland	D	[illegible]
Nancy Strickland	D	[illegible]
Annie Williams	D	[illegible]
Cora H Myers	D	[illegible]
Jonathan W Mims	D	[illegible]
Chas Cobb	D	[illegible]
Annie Hughes	D	[illegible]
Frances B Bell	D	[illegible]
Martha Cobb	D	[illegible]
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Herbert F Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank L Davidson	D	2705
James Gulford	D	2708
Anna L Hardin	D	2715
William R Lipes	D	2717
Bertha Lemons	D	2718
Lula Mote	D	2722
John D Medlock	D	2723
Mary McIntosh	D	2725
Bertha Neidhart	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
Jesse Ross	D	2739
William H Ross	D	2740
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Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Johan Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E Thornton	D	3183	Dora Crane	R	628
Minnie Thompson	R	4	Andrew Sitrell	R	642
Lloyd G Thompson	R	5	John Sitrell	R	642
William L Ivins	R	10	Lillie May Wilson	R	643
Alice Lovell	R	19	Ollie A Barger	R	656
Rosetta McLaughlin	R	41	Ida Hawkins	R	671
Martha A Perkins	R	45	Lizzie Davis	R	761
Louise L Pierce	R	61	Clara M Linnens	R	803

Cherokee D. 544

Muskogee, Indian Territory, March 14, 1907.

Wallace Thursday,

Bartlesville, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-1[illegible]
2MC

Cherokee D 544.

Muskogee, Indian Territory, May 13, 1907.

W. C. Van Hoy,

Bartlesville, Indian Territory.

Dear Sir:

This office is in receipt of your letter of April 30, 1907, stating that Wallace Thursday, a former claimant to enrollment as a citizen by intermarriage of the Cherokee Nation, informs you that he filed his original marriage certificate with the Commission to the Five Civilized Tribes, and that he now desires that it be returned to him.

In reply you are advised an examination of the records of this office fails to show that the marriage certificate referred to is on file with it. The records do show, however, that a certified copy of the Cherokee marriage license and certificate of marriage of Walace Thursday and Mary Anderson is on file, and that it seems that if the original of this license and certificate was on file with the Commission it must have been returned to the applicant.

Respectfully,

S.W.

Acting Commissioner.

Cherokee R-1116.

Muskogee, Indian Territory, October 11, 1907.

Chief Clerk,

Cherokee Contest Division.

Dear Sir:

You are hereby advised that the application of Wallace Thursday for enrollment as a citizen by intermarriage of the Cherokee Nation was approved by the Commissioner to the Five Civilized Tribes, and this action was affirmed by the Secretary of the Interior January 22, 1907.

Respectfully,

Acting Commissioner.

Cher R 1117

Trans from Cher D 546

Cher R 1117

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 6 1900

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date. OCT 9 - 1900 1900.

Name Thomas W. Baker

District Cooweescoowee Year 1896 Page 296 No. 143

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Charles Baker Dist. Cooweescoowee Year 1896 Page 331 No. 9 Age. 7

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

60

LETTERS OF GUARDIANSHIP.

[illegible] National [illegible] }
[illegible] District. }

Office District Judge, }
[illegible] District. }

To [illegible] it may concern:-

[illegible] Court [illegible] of the [illegible] [illegible] [illegible]

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Fort Gibson, Indian Territory, April 3rd, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application for enrollment as citizens of the Cherokee Nation of Thomas W. Baker et al.

A M Callaway

Attorney for Applicant.

CHEROKEE NATION, I. T., }
Delaware DISTRICT. }

I, W. J. Mayhew a Clerk of D. C. Court
hereby certify that on the 27th day of October, 1881
I joined in Marriage, Mr G. W. Baker a citizen
of the United States and Mary Victoria Evans, a citizen
of the Cherokee Nation, agreeable to the authority given in the within
License and the customs and laws of the Cherokee Nation.

Given under my hand this the 27th day of October
A. D. 1881

W. J. Mayhew
Clerk D. C.

Marriage License.

CHEROKEE NATION, I. T.,)
Delaware DISTRICT)

To Any Person Legally Authorized to Solemnize Marriage—Greeting:

You are hereby authorized to join in the **Holy Bonds of Matrimony**, and to celebrate the rites and ceremonies of **Marriage**, between Mr. [illegible], a citizen of the United States and Miss [illegible], a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation; and you are required to return this **License** to me for record within thirty days from the celebration of such **Marriage** with a certificate of the same endorsed hereon.

Given under my hand and Seal of Office

this [illegible] day of [illegible]

[illegible]

[illegible]

D. W LIPE.
TREASURER

SEC'Y OF TREASURER

Treasury Department

CHEROKEE NATION, IND TER.

Tahlequah, 12/1 1896

Dr T Baker

Dear Sir

We got your
name and your little boys
name in The roll all right
We find his name down as
Edward Evans Baker 4 years old
and your name as an adopted
citizen 40 years old I
did not know your age back
to send it

Yours truly
Dr Johnston

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Bartlesville, I.T. September 9th, 1900.

IN THE MATTER OF THE APPLICATION OF THOMAS W. BAKER FOR THE ENROLLMENT OF HIMSELF AND HIS CHILD AS CHEROKEE CITIZENS.

The said Thomas W. Baker, being sworn and examined, testified as follows: (Applicant being deaf, questions wre written that he may read)

Q What is your name? A Thomas W. Baker.
Q What is your age? A Sventy.
Q What is your post office? A Ramona.
Q What is your district? A Cooweescoowee.
Q What is ityou want to apply for? A For myself and my boy.
Q Is your wife dead? A My wife has been dead six years.
Q What was her name,--her given name? A Victoria Evans. She was Victoria Tiblow, and then she married Evans and then I married her.
Q When did she marry Evans? A (No response)
Q Have you been recognized by the tribal authorities of the Cherokee Nation as a citizen of the Cherokee Nation? A I was down in Tahlequah.
Q Does your name appear on the tribal rolls of the Cherokee Nation? A Yes, sir; I have been enrolled two or three times.
Q Where do you live? A I live at Ramona, about a mile from Ramona.
Q How long have you lived there? A For seven or eight years.
Q Where have you lived prior to that time? A I lived down there close to Vinita.
Q What is the name of your father? A George Baker.
Q Is he living? A No, he is not living. My father and mother is both dead.
Q What was your mother's name? A Charity Baker, is my mother's name.
Q Is she living? A No, sir; she is dead.
Q Have you been outside of the Indian Territory within the past three years? A No, I ain't been off the place for six years.
Q Does your name appear on the 1880 authenticated roll of the citizens of the Cherokee Nation? A No, for I wasn't here in 1880.
Q Does your name appear on the 1896 strip roll of the Cherokee Nation? A I think it is on the 1896 roll. I know it is on a roll twice.
Q What proportion of Cherokee blood do you claim? A I don't no Cherokee. I am a white man.
Q Are you married? A Yes, sir.
Q Under what law were you married? A Cherokee.
Q Have you your marriage license and certificate which you have desire to present in evidence to this Commission? A Yes, sir; here it is.
Q Where were you living at the time you were married? A Down there on Cherry Creek.
Q What was your wife's name before she was married? A Victoria Evans.
Q She is dead? A Yes, sir.

Q Is she a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Is her name upon the sthenticated roll of 1880? A I can't tell you whether it was or not. She was sick at the time that was made.

Q Is her name upon the1894 astri t payment roll? A Yes, sir; it is on that roll.

Q Is her name on the 1896 censns roll? A No, it is not on the 1896 roll, because she was dead then. She has been dead six years this December.

Q What is the name of your wife's father? A I can't tell you what her father's name is for I don't know.

Q A Cherokee or a white man? A He was a Cherokee----No, he was a Shawnee.

Q To what district in the Cherokee Nation does he belong? A I don't know.

Q What is the name ofyour wife's mother? A I can't tell you what her name is. You have got it down on the roll, though.

Q Is she a Cherokee? A No, she was a white woman.

Q To what district in the Cherokee Nation does she belong? A Delaware District.

Q Have you any children under twenty one years of age, and unmarriedfor whom you now desire to make application? A I ain't got none only this boy.

Q What is his name? A Charlie Tiblow Baker.

Q How old is that child? A He will be nine years old this next March.

Q What do you claim this child to be? A Well, Cherokee.

Q Is this child living with you at the present time? A Yes, sir. I wouldn't part with him for all the world.

Q Does his name appear upon any of the tribal rolls of the Cherokee Nation? A Yes, sir.

Cherokee

The applicant presents a duly authenticated marriage license authorizing the marriage of himself to Miss Victoria Evans, issued on the 27th day of October, 1891, signed by T. B. McGhee, deputy clerk of Delaware District, and a certificate of marriage showing that the said marriageceremony was performed by T. J. McGhee, Clerk ofDelaware District, on the 27th day of October, 1891. The certificate and license will be filed herewith.

Q What was your wife's name in 1880? A Lavinia Evans. She went by both all the time, though.

Q Was she married before she married you? A Yes, sir.

Q What was her first husband's name? A I don't know what his name was only Evans.

Q Is he living? A No, sir.

Q When did he die? A He was dead long, long before I married her.

Q Did he live with the woman you afterwards married until the time of his death? A No, I don't know.

Q Were you married before you married your deceased wife, formerly Evans? A Yes, sir; I was married thirty or forty years ago.

Q Is your first wife dead and did you live with her until the time of her death? A Yes, sir.

Q Did she die before you married Evans? A Yes, sir.

Q And you live with your last wife until her death? A Yes, sir.

Q Is this child the one you apply, Charlie, the child of your

A
Q Are you the father of this child, Charlie? A Yes, sir.
Q Did your wife ever have any other names than those you have mentioned? (No response)

1896 Roll, page 296, No. 143, W. T. Baker, Coowescoowee District. IntermarriedCherokee.
1896 Roll, page 335, No. 9, Charles Evans Baker, Coowescoowee District, Shawnee.
Cherokee Shawnee Pay Roll, 1896, page 15, No. 327, Baker Charles Evans.

The applicant applies for the enrollment of himself and one child. He presents a duly authenticated Cherokee marriage license and certificate showing that he was married to one Victoria Evans, a Cherokee citizen, in the year 1891, and he is identified on the census roll of 1896. His child, Charlie E. Baker, is identified on the census roll of 1896 and upon the Cherokee-Shawnee Pay Roll of 1896 as a Shawnee by blood.

His deceased wife cannot be identified under the names indicated in the testimony upon the authenticated roll of 1880, and her name does not appear upon the census roll of 1896, she having died prior to its compilation. The names of the applicant and his child will, therefore, be placed upon a white card for the further consideration of the Commission, and when final judgment is reached in the matter of his application he will be notified thereof at his post office address.

------o------

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in the above application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 9th day of October A. D. 1905.

Commissioner.

"R"

D 546

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Thomas W. Baker, for the enrollment of himself and child as citizens of the Cherokee Nation:

Applicant represented by A. M. Calloway, Claremore, I. T.
W. W. Hastings, for the Cherokee Nation.

Applicant and his attorney were notified by registered letter on February 12, 1902, that the application of Thomas W. Baker, for the enrollment of himself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902; and that they could on said day appear and introduce any further testimony affecting this application.

Receipt has been acknowledged of the Commission's letter by the attorney for the applicant and by the applicant himself.

They having this day, to-wit: the 1st day of March, 1902, been called three times, and failing to respond, it is directed that this case be closed, and the same reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

Cherokee D 5 46

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas W. Baker as a citizen by intermarriage, and for the enrollment of his son Charlie Tiblow Baker, as a citizen of the Cherokee Nation of Shawnee blood:

D E C I S I O N.

The record in this case shows that on September 9, 1900, Thomas W. Baker appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his son Charlie Tiblow Baker, as a citizen of the Cherokee Nation of Shawnee blood.

The evidence shows that Thomas W. Baker, a white man, was married, in accordance with the laws of the Cherokee Nation, to one Victoria Evans, a citizen of the Cherokee Nation of Shawnee blood, on October 27, 1891. As a result of said marriage Charlie Tiblow Baker was born. The residence of Thomas W. Baker has been in the Cherokee Nation continuously for six years up to and including the date of this application. He is identified on the Cherokee Census Roll of 1896. Charlie Tiblow Baker is identified on the Cherokee Census Roll of 1896, as an adopted Shawnee; also, on the Shawnee Pay Roll of 1896.

It is, therefore, the opinion of this Commission that Thomas W. Baker should be enrolled as a citizen by intermarriage, and that Charlie Tiblow Baker should be enrolled as a citizen of the Cherokee Nation of Shawnee blood in accordance with the provisions of Section twenty one of the Act of Congress approved June 2nd, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this April 11 1901

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee, I. T. August 25th 1902.

In the matter of the application of Thomas W. Baker for enrollment as a citizen by intermarriage of the Cherokee Nation and for his child as a citizen by blood of the Cherokee Nation,

Cherokee Doubtful No 546.

The Representative of the Cherokee Nation respectfully protests against the decision of the Commission rendered on August 11th 1902 and requests that the same be forwarded to the Honorable Secretary of the Interior for review.

Thomas W. Baker is a white man seventy years old. He claims to have been married to Victoria Evans a Cherokee Shawnee but he presents no proof whatever that the said Victoria Evans was a Shawnee citizen of the Cherokee Nation. Her name does not appear upon any of the rolls of the Cherokee Nation; his wife died only a few years ago and if she were recognized as a citizen of the Cherokee Nation her name would appear upon some of the numerous rolls of the Cherokee Nation and if she was entitled and was recognized as a citizen of the Cherokee Nation certainly we take it that it was incumbent upon the applicant to show that his wife was a recognized citizen of the Cherokee Nation at the time he married her and therefore capable of conferring citizenship upon him but we can not believe that the Department will enroll the said Thomas W. Baker and his child upon the unsupported testimony of the applicant himself particularly when his wifes name appears upon no roll of the Cherokee Nation and when her citizenship could have been easily established in the Cherokee Nation.

Respectfully submitted,

Attorney for the Cherokee Nation.

C.F.B. Cherokee D 546

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charlie Tiblow Baker as a citizen of the Cherokee Nation of Shawnee blood.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Bartlesville, Indian Territory, October 9, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Charlie Tiblow Baker as a citizen of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 1, 1902. The records further show that on August 11, 1902, the Commission to the Five Civilized Tribes rendered its decision herein granting said applicant the right to enrollment as a citizen of the Cherokee Nation of Shawnee blood.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Charlie Tiblow Baker, is a minor son of one Thomas B. Baker, a white man, and one Victoria Baker, deceased, alleged to have been a Shawnee Indian. A careful examination of the records of this office fails to show, however, that said Victoria Baker is identified on the Shawnee Register, or that she was ever recognized in any manner as a citizen of the Cherokee Nation, and no record can be found of her ever having been admitted to citizenship in the Cherokee Nation by any duly constituted court or commission having jurisdiction to admit persons to Cherokee citizenship.

Every effort has been made by this office to secure information which would enable this office to identify said Victoria Baker as having been recognized by the Cherokee tribal authorities as a citizen of the Cherokee Nation of Shawnee blood prior to her death, but no information has been secured.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision of the Commission to the Five Civilized Tribes rendered August 11, 1902, granting the application for the enrollment of Charlie Tiblow Baker as a citizen of the Cherokee Nation of Shawnee blood, be rescinded, set aside, and held for naught, and that under the provisions of Section twenty-one of the Act of Congress approved June 28, 1906 (34 Stat., 539), Charlie Tiblow Baker is not entitled to enrollment as a citizen of the Cherokee Nation of Shawnee blood and his application for enrollment as such is accordingly denied.

Dated at Muskogee, Indian Territory,

this

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902.

Mr. Thomas W. Baker,

Ramona, Indian Territory,

Sir:-

You are hereby notified that the application of yourself and one minor child

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the first day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment; but said Representatives will be required to furnish you at their option, or introduce such testimony before they will be permitted to do so.

Copy to A.F. Calloway,
Claremore, I.T.

Cherokee D-344
Register.

Commissioner in Charge.

Cherokee D-546.

Vinita, Indian Territory, January 26, 1903.

Thomas W. Baker,

Ramona, Indian Territory.

Dear Sir:-

There has heretofore been mailed to you, a notice requiring you to appear before this Commission for the purpose of giving additional testimony relative to your right to enrollment on September 1, 1902, as a citizen by intermarriage of the Cherokee Nation.

This testimony has not yet been introduced, and you are now notified that until same is presented, your application for enrollment will not be complete.

You can appear before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 17, 1903, for the purpose of giving this testimony.

You should present this letter when you appear.

Respectfully,

Acting Chairman.

RP

Cherokee
D 910

Muskogee, Indian Territory, March 30, 1906

Andrew E. Willis,

Care of John Willis,

Wauhillau, Indian Territory.

Dear Sir:

On December 7, 1900, at Tahlequah, Indian Territory, you appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Cherokee Nation. It appears from the records of this office that you were admitted to citizenship in the Cherokee Nation on March 23, 1868, and your testimony shows that you came to the Cherokee Nation in 1894, and excepting occasional visits made to the states have since continuously resided therein. Your name, however, can not be found upon either the Cherokee Strip payment roll of 1894, or the Cherokee census roll of 1896 and you are advised that before this office can render a final decision in your case it will be necessary to have further testimony as to your residence in the Cherokee Nation.

You are therefore hereby directed to appear before this office in Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, April 12, 1906, and introduce testimony touching the points above mentioned, at which time your case will be taken up for final consideration.

The attorneys for the Cherokee Nation will be permitted to appear on said date and introduce such testimony as they may desire.

Respectfully,

[illegible]

Acting Commissioner

[illegible]

Cherokee
) 910

Muskogee, Indian Territory, March 30, 1906

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory

Dear Sir:

You are hereby advised that Andrew E. Willis an applicant for enrollment as a citizen by blood of the Cherokee Nation, has been notified to appear before this office at nine o'clock A.M., on Thursday, April 12, 1906, and introduce testimony touching his residence in the Cherokee Nation.

You will be permitted to appear on said date and introduce such testimony as you may desire.

Respectfully,

Acting Commissioner

Cherokee D 546.

Muskogee, Indian Territory, April 11, 1906.

Thomas W. Baker,

Oklahoma City, Oklahoma.

Dear Sir:

At Bartlesville, Indian Territory on October 9, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your son, Charley Tiblow Baker, as a citizen of the Cherokee Nation of Shawnee blood, claiming the right to enrollment as a citizen of the Cherokee Nation by intermarriage for yourself by virtue of your marriage to your deceased wife, Victoria Baker, and the right to enrollment of your son, Charley Tiblow Baker as a citizen of the Cherokee Nation of Shawnee blood, as a descendant of your said wife.

The evidence introduced on said date fails to establish that your said wife was a recognized citizen of the Cherokee Nation, and you are hereby advised that before your Registered.

application and the application for the enrollment of your said son will be complete, it will be necessary for you to introduce further testimony to show that the said Victoria Baker was a citizen of the Cherokee Nation of Shawnee blood. If your said wife was born in the state of Kansas, testimony should be introduced to show the exact date of her removal from the state of Kansas to the Cherokee Nation.

Testimony should also be introduced to show the name or names under which your wife was known prior to her marriage to you, in order to enable this office to identify her on some of the tribal rolls of the Cherokee Nation. You are further advised that you will be permitted to appear before this office at Muskogee, Indian Territory on May 3, 1906, and introduce any testimony you may desire touching the points above mentioned.

The attorneys for the Cherokee Nation will also be permitted to appear on that date and introduce any testimony they may desire in said case.

Very respectfully,

Acting Commissioner.

D.H.C.

REFER IN REPLY TO THE FOLLOWING

Cherokee No.
D. 546

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

Thomas W. Baker,
Ramona, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Encl. Decn. D

Commissioner.

COPY.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION

[redacted]

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jesper N Bateman	1029
Susan Ballard	1065
[illegible]	1073
Ellen Thornton	1080
[illegible]	1090
[illegible]	1092
[illegible]	1094
David L Scott	1099
James C Taylor	1111
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Millie Morton	1554
Andrew Walters	1573
John H Holder	1610
Mary M Barr	1612
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[illegible]	1857

Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2480
Mollie Hair	2485
Dora Savers	2474
William T Jones	2501
Sarah E Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L. Morgan	2568
Andrew A Brown	2575
Louis K. Lair	2623
James I Mitchell	2644
Martha I McNutt	2659
Millard I Eggleston	2668
[illegible] M Gore	2686
Jessie M Bernard	2694
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Sydney E. Bell	4232
Isaac H. Jordan	4245
Charles Parks	4244
Dora Frenchman	4262
James R. Lugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
Wyman A. Long	4304
Mosby Swarstock	4419
Frances Gates	4424
Anna H. Gibson	4[illegible]
Lucy McFall Jr.	4[illegible]
Albert W. [illegible]	4[illegible]
George S. [illegible]	4[illegible]
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William A. [illegible]	4[illegible]
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John [illegible]	4[illegible]
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Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberry	5438
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Horace H Huddleston	5832
William R Sattan	5837
Joseph V Lawrence	5843
William H Heaton	5846
Jacques Lobo	5851
Dan M Young	5852
Mark C Barnes	5853
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James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Darrel A. Smith	6447
Henry J. [illegible]	6450
Sarah Adair	6452
Ida F. [illegible]	6455
Mary F. [illegible]	6459
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James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary L Foreman	7158
Alma West	7159
James M Connally	7161
Frances M Crowell	7168
Lattnie L McClure	7171
Benjamin B [illegible]	7176
Ada Phares	7180
William L [illegible]	7184
Frances B Perry	7191
Phillip Stadtz	7210
Hester A [illegible]	7212
Minnie B [illegible]	7215
Ellen Jones	7217
William L [illegible]	7218
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George E. Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
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Mary Jane Thomas	9562
James F Petty	9563
Laura McCrary	9566
Joel D Smith	9568
William T Cave	9572
William Bugher	9577
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John B. Delay	9881
Pairlee Thompson	9882
Guenther W Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D Sleeper	9895
William A Maddin	9896
John H Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W Eden	9916
William H Hall	9920
Edith B Pleasant	9935
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Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Burts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Wade Shaver	10038
John L. Carter	10039
John M. Boyd	10043
William Lester	10047
Daisy B. Tyler	10049
Harry A. Jones	10050
Mary I. Price	10051
Minnie L. Pearson	10052
George W. Lyons	10053
Lilly Lassiter	10054
Clarence D. Cross	10055
Minnie L. Williams	10056
Solomon Creighton	10058
Irving W. Miller	10059
Joseph Long	10060
Albert S. Lockhart	10061
Mary Flora	10062
Lottie G. Miller	10063
Joseph Parker	10064
Lloyd Nelson	10065
Andy F. Jones	10066
Walter Hall	10067
Sarah Sanderson	10069
David R. Mclaughlin	10070
Phillip L. Thompson	10071
Cora C. Bryan	10072
Robert A. Thompson	10073
Lloyd Evans	10074
Olive Mayfield	10075
Ellis Price	10076
Carlton L. Rollins	10077
Thomas Jones	10078
Wyatt A. Wyatt	10079
Minnie M. Hamilton	10080
Mary Nash	10081
Noel Evans	10082
Ida Lynch	10083
Thomas B. Cannon	10084
Nathan L. Morgan	10085
Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B. Tuttle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carter	10136
Jackson M. Wood	10138
Murray Smith	10139
Clarence L. McCain	10140
William W. Russell	10141
Isaac Jackson	10142
Jesse A. Hall	10143
Ira Thornhill	10144
Mary A. Cook	10146
Clyde Brown	10147
Lawrence Mc Laughlin	10148
Thos. Hall	10149
Albert Hutchinson	10150
Ophelia E. Young	10151
Robert L. Phillips	10152
Lewis L. Lawrence	10153
Leroy A. Williams	10154
Jack Parker	10155
Isaac Thomas, Jr.	10156
Isaac Brown	10157
Lucy Hall	10158
Thos. Cleveland	10159
Sarah Thomas	10160
Elizabeth T. Mullen	10161
Mary E. Cook	10162
Ruth Cook	10163
Samuel T. Jackson	10164
Lucy M. Hall	10165
Augustus Cleveland	10166
Jeremiah Mullen	10167
Thomas A. Hall	10168
Mary Mullen	10169
Thomas H. Hall	10170

Nannie Martin		10210
Sarah A Fields		10214
Susie Henderson		10216
Charles H Rienhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Timberlake		10226
George A Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M Cooter	D	17
Martin L Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	105
George T Kelly	D	108
Henry C Agnew	D	139
[illegible] Phipps	D	147
Henry Hobbs	D	149
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Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N Guinn	D	974
Hannah Parson	D	989
Nellie C Helterbrand	D	1003
Thomas J Welch, Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M Jones	D	1022
Reuben A Evans	D	1032
Carrie H Cobb	D	1049
John M Burns	D	[illegible]
Sarah E Henson	D	[illegible]
Laura D Henson	D	[illegible]
Hettie E Downing	D	[illegible]
Benjamin F Crain	D	[illegible]
Benjamin Strickler	D	[illegible]
Nancy Spencer	D	[illegible]
Annie Wilson	D	[illegible]
Ora H Maxwell	D	[illegible]
Reuben W Moore	D	[illegible]
Cora Childs	D	[illegible]
Jane Hughes	D	[illegible]
Frances B Reed	D	[illegible]
Martha Carter	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]
Martha J Hanson	D	[illegible]
Israel A Martin	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]

Herbert F Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank F Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R [illegible]	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nicliffer	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
[illegible] Rees	D	2739
[illegible] H [illegible]	D	2740
[illegible]	D	2741
[illegible]	D	2743
[illegible]	D	2744
[illegible]	[illegible]	2748
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

Luc Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Julian Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E Thornton	D	3183	Dora Crane	R	628
Minnie Thompson	R	4	Andrew Sutrell	R	642
[illegible]	R	5	John Sutrell	R	642
[illegible]	R	10	Lillie May Wilson	R	643
[illegible]	R	19	Ollie A Barger	R	656
[illegible]	R	41	Ida Hawkins	R	671
[illegible]	R	45	Lizzie Davis	R	761
[illegible]	R	61	Carl M [illegible]	R	803

REFER IN REPLY TO THE FOLLOWING:
Cherokee D. 546

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 27, 1907.

Thomas W. Baker,

Ramona, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying the application for the enrollment of your child, Charlie T. Baker, as a citizen of the Cherokee Nation of Shawnee blood.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. E-16
MLS

Commissioner.

Register.

Cherokee D. 546

Muskogee, Indian Territory, February 27, 1907.

A. M. Calloway,

Claremore, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying the application for the enrollment of Charlie T. Walker, as a citizen of the Cherokee Nation of Shawnee blood. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Rec'd.R-19 1
MLB

Cherokee D. 546

Muskogee, Indian Territory, February 27, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying the application for the enrollment of Charlie T. Baker as a citizen of the Cherokee Nation , of Shawnee blood.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. E-17
MLB

Commissioner.

COPY

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Charlie T. Baker as a citizen of the Cherokee Nation of Shawnee blood, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying said application.

Respectfully,

Commissioner.

Encl. E-18
MLB

Through the Commissioner
of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D
546

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Thomas W. Baker,
Ramona, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

Commissioner.

RPI

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

[illegible]
LWC

679

REFER IN REPLY TO THE FOLLOWING:
Cherokee D 546

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 28, 1907.

Thomas W. Baker,
Ramona, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 27, 1907, rejecting the application for the enrollment of your son, Charlie T. Baker, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

Respectfully,

Acting Commissioner.

WCP

Cherokee 8096 et al

Muskogee, Indian Territory, March 28, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 27, 1907, rejecting the application for the enrollment of Nancy Palmer, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of the departmental decision referred to.

Respectfully,

Acting Commissioner.

Inc. P-4-24.

Cherokee D 546

Muskogee, Indian Territory, March 28, 1907.

A. M. Calloway,

Attorney for Charlie T. Baker,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 27, 1907, rejecting the application for the enrollment of Charlie T. Baker as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. T. ... Jr.
Acting Commissioner.

Encl. P-4-34
JMG

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D. C. 13382
I. T. D. 8044-1907.
L. R. S.

Y. P.
W. H. H.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copy of Indian Office letter, submitting your reports and recommending that the decisions be affirmed, is enclosed.

Title of case.	Date of your letter of transmittal.
Nancy Swimmer (citizen),	February 27, 1907.
Louisa E. Collier, et al. (by blood),	February 28, 1907.
Little Terrapin (by blood),	February 27, 1907.
Carrie Caroline Barner (by blood),	February 28, 1907.
Dan Gillord, et al. (by blood),	February 27, 1907.
John Tillery, et al. (citizens),	February 28, 1907.
John A. Parker, et al. (by blood),	February 28, 1907.
Charlie T. Baker (Shawnee blood),	February 27, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Acting Secretary.

1 enclosure, and
16 enclosures to Ind. Of.,
with copy hereof.

Land
References of
body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. March 4, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith eight communications from Commissioner Bixby, enclosing the records and decisions in the following Cherokee citizenship matters:

21842-1907, Charlie T. Baker, applicant for enrollment as a citizen of the Cherokee Nation, of Shawnee blood. The applicant bases his right to enrollment on the fact that he is the son of Victoria Baker, deceased, alleged to have been a Shawnee Indian. The records of the Commissioner's office do not show that Victoria Baker is identified on the Shawnee register, or that she has ever been recognized in any manner as a citizen of the Cherokee Nation, or that her name appears on any roll of Cherokee citizens. The application is denied for that reason.

21843-1907, John A. Parker, Joseph A. Parker, William H. Parker, Charley Parker, and Hayden Parker, as citizens by blood of the Cherokee Nation. The applicants in this case were denied enrollment by the Commission, under the Act of July 10, 1896, and no appeal was taken therefrom. The applicants' record further shows that none of the applicants are identified on any tribal roll of the Cherokee Nation. The Commissioner declined to receive or consider the application, for the reason that there is no authority of law for receiving or considering the application.

21840-1907, John Tillery, Sarah I. Tillery, his wife, and their children, Nancy Odum, Cora A. Williams, Rachel M. Murphy, Charles W. Tillery, Minnie B. McDaniel, and Maggie M. Blackwell, grandchildren of John A. Bradshaw, Parley M. Bradshaw, Amy May Murphy, Sarah J. Murphy, Stella Bird, and Johnny Bird, applicants for enrollment as citizens of the Cherokee Nation, denied for the reason that no application of any character whatsoever was made for enrollment of any of these parties prior to December 1, 1905, and therefore there is no authority of law for receiving the original application at this time.

21860-1907, Dan, Andrew, Richard, Vannie, Bonnie, Matilda, Julious, Tom and Luther Gillard, applicants for enrollment as citizens of the Cherokee Nation, under the provisions of the Act of April 26, 1906 (34 Stat.L.,137), denied for the reason that the records do not show that any of these applicants was ever admitted to citizenship in the Cherokee Nation by any duly constituted court or commission of the Nation having jurisdiction of citizenship matters, or by the Commission to the Five Civilized Tribes, the United States Court in the Indian Territory on appeal, or that and of them have ever been recognized in any manner as citizens of the Cherokee Nation. The Commissioner denied their enrollment, for the reason that under the provisions of the Act of May 31, 1900, he was without authority or jurisdiction to receive or consider or make any record in the matter of their application.

21863-1907, Carrie Caroline Parker, applicant for enrollment as a citizen by blood of the Cherokee Nation; denied for the reason

that no application of any character was made for her enrollment prior to December 1, 1905, and there is therefore no authority of law vested in the Commissioner for receiving original applications at this time.

21853-1907, Little Terrapin, applicant for enrollment as a citizen by blood of the Cherokee Nation, under the provisions of the Act of April 26, 1906 (34 Stat.L.,137),. The record shows that the applicant was born March 21, 1906, and was not therefore a person living March 4, 1906, and denied enrollment, for the reason that no authority of law exists for considering the application.

21854-1907, Louisa E., Minnie Bettie, Leah Adaline, nee Almeda, Julia, Mattie, Newton Martin and Arthur Albert McKellar, Ella May and Willie Arthur Collier, applicants for enrollment as citizens by blood of the Cherokee Nation. The applicants were denied enrollment by the Commission, under the Act of Congress of June 10, 1896, and no appeal was taken therefrom. Their names are not identified on any tribal roll of the Cherokee Nation, nor does it appear that they have ever been admitted to citizenship by any court or commission having jurisdiction over Cherokee citizenship cases, or that they have been recognized in any manner as citizens of the Cherokee Nation, and were denied enrollment for this reason.

21855-1907, Nancy Skinner, applicant for enrollment as a citizen of the Cherokee Nation. The applicant was born in 1892, and is shown to be a full-blood Cherokee Indian, but the evidence does not show that she is the descendant of persons who were ever

recognized or enrolled as citizens by blood of the Cherokee Nation The Commissioner reports that every effort has been made to identify the parents of this applicant on the tribal rolls, but such information has not been secured. The application is therefore denied.

The Office has examined the decisions of the Commissioner in each of the above cases, and is of the opinion that his decision in each is correct, and it is recommended that they be affirmed.

Very respectfully,

C. F. Larrabee,

KWH--SD

Acting Commissioner.

Cher R 1118

Trans from Cher D 547

Cher R 1118

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
OCT 9 1900

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 8 1900 1900.

65 Name Charles C. Burnett. Dutchville I.T.

District Year 1893 Page 68 No. 227

Citizen by blood Yes Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage (1870) (1872)

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., October 9, 1900.

In the matter of the application of Charles C. Burnett for enrollment as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your full name, please? A Charles C. Burnett.
Q How old are you? A I am about 65.
Q What is your post office? A Bartlesville n w.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself.
Q Do you apply as a Cherokee by blood? A No, sir.
Q Have you your marriage license and certificate? A I have not, I lost it about five or seven years ago.
Q When were you married? A I was married about along in 1870.
Q Are you on the roll of 1880? A I am supposed to be.
Q What was the name of ~~the~~ your wife? A My wife was an adopted Delaware and her name was Wiskelongon, I don't know her English name.
Q When did she die? A She died inside of three years after we were married, I lost my grip several years ago and lost all my records.
Q Have you ever married since then? A I married another Delaware woman.
Q Who was she? A Her name was Quantandit.
Q When did you marry her? A I was married in about 1875.
Q Is she living? A She is dead.
Q When did she die? A About 12 or 15 years ago; I have been bothered.
Q Have you ever married since she died? A I never have.
Q How many children have you had by your last wife? A I have not.
Q Have you lived in the Cherokee Nation ever since 1880? A All except two summers in Kansas.
Q Never made your home anywhere else? A Never made my home anywhere else; I was interested out in the country for a while, but I never have established a home elsewhere.
(On the roll, page 60, No. 972, Charles Burnett, Cooweescoowee District, Delaware roll, page 208, No. 15, Jane or Burnett, Cooweescoowee District.)
Q You are now living at this time, Mr. Burnett? A I am living temporarily at Bartlesville, sometimes there, sometimes
Q How intermarried [illegible] Cherokee Nation? A I have been here long.
Q Are you in any business at Bartlesville? A No, sir.
Q How long have you been at Bartlesville? A I have been off and on there four years, but a good deal of the time I am there.
Q Do you intend, permanently, to locate in the Cherokee Nation; that is to say that you have been living in Bartlesville for [illegible] years?
A No, sir.
Q What is your home, your residence is more than [illegible] A I have lived there, off and on, for [illegible] years, but a good deal of the time I was [illegible] at Bartlesville, and that is the longest time I ever [illegible] at that time I would [illegible]
Q Since that time you have been and still have been in Bartlesville? A I have been there a good deal of the time.
Q Have you been at any time while you were living in Bartlesville [illegible] business transactions in Bartlesville? A [illegible] have run my business myself.
Q Have you ever had interests in any business enterprise [illegible]

Coffeyville? A No, sir.
Q Never had any interest in any business? A I had property there, I never was in business there.
Q Do you own any houses and lots in Coffeyville? A Yes, sir
Q Did you live in those houses? A No, did, I did not; I never [illegible] up there, I always stayed in the hotels from the Cherokee Nation.
Cross-examination by Breckinridge: Never exercised the rights of citizenship there? A No, sir.

The applicant is identified [illegible] an [illegible] citizen. His deceased wife, who he stated was [illegible] Indian, is identified with him on the roll of 1880 as a freedman. He states that he has lived in the Cherokee Nation and under the Cherokee Nation his own ever since his enrollment in 1880, and that he has not remained since the death of his wife who [illegible] was enrolled in 1880. The Cherokee representative present waived the further examination in the matter of the applicant's residence, not having spent considerable time in Coffeyville, Kansas. The applicant stating that he always regarded the Cherokee Nation, [illegible] exercised the rights of citizenship in the Creek or elsewhere outside of the Cherokee Nation. [illegible] citizenship upon doubtful [illegible] application [illegible] favorable.

---o---

[illegible] to the Indian [illegible] with the [illegible] in accordance with the [illegible] A [illegible] of the above entitled [illegible].

[illegible]

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 19, 1900.

D. 547. In the matter of the application of Charles C. Barnett for enrollment as an intermarried Cherokee.

John H. Coody, being duly and examined by Commissioner Breckinridge, testified as follows:

Q. Give me your full name? A. John H. Coody.

Q. How old are you? A. 45.

Q. What is your post office? A. Muskogee.

Q. You live in Muskogee district? A. Yes, sir.

Q. You know Charles C. Barnett? A. Yes, sir.

Q. He is a white man, I believe, is he not? A. Yes, sir.

Q. How long have you known him? A. I have known him since I was a boy.

Q. You have known him personally for the last twenty years? A. Yes, sir.

Q. That is correct, is it not? A. Yes, sir.

Q. You also understand that he is a citizen? A. Yes, sir.

Q. How often has he voted in the Cherokee nation? A. He has voted several elections, I might say on all elections.

Q. You understand as a voter what is meant by the Cherokee nation? A. Yes, sir.

Q. And that he has complied with the requirement that he keep his citizenship all the time? A. Yes, sir, I have not ever known him to do anything else.

Q. Do you know of his ever residing or living in any other country than the Cherokee nation? A. No, sir.

Q. He is now a resident, is he not? A. Yes, sir, I have seen him frequently, he lives in Muskogee.

Q. Is he a man of family? A. Yes, sir, he is married and has a family.

Q. Is he a man of good moral character? A. Yes, sir, I would say so.

Q. Is he a man of industrious habits? A. Yes, sir.

Q. Is he a man of means? A. No, sir, he is a man of small means.

Q. Is he a man of intemperate habits? A. No, sir.

Q. Is he a man of good moral character? A. Yes, sir.

Q. Is he a man of industrious habits? A. Yes, sir.

Q. Is he a man of means? A. No, sir, he is a man of small means.

Q. Is he a man of intemperate habits? A. No, sir.

D 30

Charles C. Burnett - A 3.

Bryce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bryce C. Jones

Sworn to and subscribed before me this the 30th of October, 1900.

Commissioner.

"R"

D 547

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Charles C. Burnett, for the enrollment of himself as a citizen of the Cherokee Nation;

Mr. Hastings: The representative of the Cherokee Nation moves for a continuance in the above cause for the reason that there was a clerical error made in the date upon which witnesses should appear, in the formal notice that was given them. That instead of notice to the applicant that testimony would be taken upon this date, the stenographer made a mistake and made it on the 6th day of March, and witnesses will, therefore, have to come back, and it is thought that March 19 is a more convenient date, and a continuance until that time is respectfully requested.

The Commission: The request of the representative of the Cherokee Nation will be complied with, and the case continued until the 19th day of March, 1902.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 4, 1902.

Commissioner.

Supl.-C.D.#547.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22d, 1902/

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of CHARLES C. BURNETT as a citizen of the Cherokee Nation:

The applicant in this case was notified by registered letter March 7, 190 , that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission on the 19th day of March, 1902. On said date the case was continued by agreement until March,22d, 1902. The applicant this day, to-wit: the 22d day of March, 1902, appears by his attorney, E. B. Lawson. Mr. W. W. Hastings, Cherokee Representative, present.

ELIJAH BLY, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HASTINGS:

Q What is your name? A Elijah Bly.
Q What is your age? A I am about 58, 7 or 8.
Q What is your post office? A Ramona.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q How long have you livedin that neighborhood? A Oh, I have been out in there 17 or 18 years.
Q Do you know Charley Burnett, the applicant? A Yes, sir.
Q How long have you known him? A I knowed him x for about 12 years.
Q Where was he living when you first knew him? A He was living in the forks of Caney above Bartlesville.
Q Did he have an improvement up there? A Yes, sir.
Q Did he sell that or what did he do with it? A Yes, sir, he sold it.
Q Do you know where he went from there? A He went from there to Oklahoma.
Q How long did he live in Oklahoma? A Not but a little while.
Q Do you know about when he went out there? A No, sir, I don't know about when he went, he was not out in that country long until he come back.
Q Where was he next? A He come right there in my neighborhood.
Q Buy a place from you? A Yes, sir.
Q How far from you? A About a mile.
Q Does he own that place now? A No, sir
Q How long did he keep it A About three years.
Q Did he sell it? A Yes, sir
Q Where did he go? A Went into Kansas
Q Well, now, about when did he leave there and go to Kansas? Well, that has been about five years ago, he left there.
Q Since that time as he owned any improvements down there that you know of? A No, sir
Q You know he sold that place? A He sold that place and moved into Kansas
Q About how long did he live on that place, do you know? A About three years
Q I will ask you, Mr Bly, if any woman lived in the house there with him at that time? A Yes, sir
Q Was she a white woman? A Yes, sir
Q She had some children did she? A Yes, sir
Q And they lived there? A Yes, sir
Q Did she come there with him? A Yes, sir

Q Did she depart when he did? A Yes, sir.
Q Well, how were they known through the country, whether he was living with her as his wife? A Well, the supposition was through the country, that they were living there together.
Q What was her name? A Mrs. Troxey.
Q She left there about the time he did? A Yes, sir, and left with him.
Q And she went off with him? A Yes, sir.
Q He is a white man? A Yes, sir.

MR. LAWSON:

Q Did the people in t hat community generally recognize them as man and wife, or did they hold each other out to the people x in that community as man and wife? A Well, they didn't do that I suppose, but the community there, they was living as man and wife.
Q I ask you the simply question were they recognized by the people there as man and wife? A Wasn't recognized.
Q Did they ever hold themselves out as man and wife in that community? A Not as I know of.
Q You know that they were not man and wife, did you not?
A I could not say that they was.
Q Do you know of your own knowledge whether or not this Charles C. Burnett has any property in the Cherokee ation within the last five years? A Well, no, I could not say.
Q All you know is that he sold that farm down near Ramona?
A Yes, sir.
Q You don't know whether he bought near Coffeyville or Bartlesville or some other place do you A No, sir.
Q To whom did he sell this farm out at Ramona? A He sold it to a man by the name of Burdolf.
Q Thomas Burdolf? A Yes, sir.
Q Very frequently the citizens in that country se.l farms do they not? A Yes, Chauncy.
Q So all you know he might have owned half dozen farms in the Cherokee Nation during the time he was lived away from Ramona?
A Yes, sir.
Q Did you testify a while ago he lived in Coffeyville?
A Yes, sir.
Q How do you know he lived there? A I have seen him there, he told me
Q Do you know whether or not he voted in the Cherokee Nation during the last five years? A No.
Q Well, what is the? A I don't think he has
Q You don't know whether he has or not though? A I don't think he has
Q And all you know about this case is he sold that farm down about Ramona about five years ago? A Yes, sir
Q That is all you know about it is it? Is response ?
MR. HASTINGS:
Q You know he has not got a place in that neighborhood? A Yes, sir.
Q And if he swore that he owns property you know he has not got a farm in that neighborhood? A Yes, sir.
Q Now, I want to know what you meant by saying that you didn't know that they were married, was it the report that they were married? A Yes, sir. I so understood that a marriage ceremony had not been performed
Q But they were living there together? A Yes was the supposition by everybody.
Q He came there together? A Yes, sir
Q They went away together? A Yes, sir

MR. LAWSON:

Q You state a common law marriage; what is a common law marriage?
A I don't know.
Q Then when you testified to something here a while ago you testified to something you didn't know anything about, didn't you?
A A common law marriage I su ppose would be just living together.

MR. HASTINGS:

Q That is what you intended to testify? A Yes, sir.

MR. LAWSON:

Q Do you mean to tell this commission that you know everybody that owns a farm near Ramona? A No, sir.
Q Do you know ~~x~~ that Charles C. Burnett does not own a farm down there in that neighborhood? A I have never heard anything about him buying in that section of the country.
Q That is all you know about it, you never heard of him buying any more? A No, sir.
Q Do you know of your own knowledge whether or not Charles C. Burnett owns any improvements in and around Ramona? A I don't think he does.
Q I don't care anything about what you think? A Well, no, sir.
Q You don't know whether he owns two farms or one farm or no farm?
A No, sir.

R. B. TYNER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A R. B. Tyner.
Q What is your age? A 57 years old.
Q What is your post office? A Ramona.
Q Do you know Charles C. Burnett? A Yes, I know Charles Burnett.
Q Did you know him when he lived down there near Ramona?
A Yes, sir.
Q Did you know him when he lived up there in the Forks of Caney?
A Yes, sir.
Q Did you hear of him disposing of his interests up there at Caney?
A Yes, sir.
Q Did you hear of him purchasing improvements near Mr. Bly who has just left the stand? A He purchased a place of Mr. Bly, near Ramona.
Q Does he live on that place now? A No, sir.
Q How long did he live on it? A He lived on that place best of my recollection, about four years, three or four years, something like that.
Q Does he own it now? A No, sir, he sold it.
Q You know where he went to when he sold it? A He went from that vicinity to Coffeyville.
Q Do you know of his owning any other improvements down in that country? A No, sir, don't know of him owning any in that vicinity.
Q Did you know of him buying any more down there? A No, sir.
Q He sold the one he was living on at that time? A Yes, sir, he sold it to Burdolf.
Q Do you know whether or not there was a woman living with him in the house when he was living on this place adjoining Bly? A Yes, widow Dreany was there all the time.
Q Did she live there with him all the time? A Yes, sir.
Q Came there with him? A Yes, sir, same time.
Q Well, how were they known throughout the community; did the community recognize them as living together? A They-

Mr. Lawson: To which we object; it does not make any difference whether they were living there together or not.

A That is supposition of the people.

Q The people don't know whether or not there was a ceremony performed, but re ognized them as living together?

Mr. Lawson: To which we object as leading and suggestive.

Q Well, how did the community regard them, now you tell that?

A The community supposed he was living with that woman on the place there and talked of all through the country.

Q That the way it was generally known? A Yes, but I never went there and seen them.

Q You don't know of your own personal knowledge? A No, sir.

Q She a white woman? A Yes, sir.

Q He a white man? A Yes, sir.

MR. LAWSON:

Q Do you know Mrs. Troxey? A Yes, sir.

Q You mean to say, Rube, you know who owns all of those Ramona places in that neighborhood? A No, sir, I don't.

Q Charley Burnett might have owned ~~it~~ one place or half dozen around you and you not know it? A I don't know.

Q How far do you live from Ramona? A About five miles. Now, I will take that back; he never owned any place in that country, I have known every place in that country for twenty years.

Q Who owns that place immedia ely south of Racman one mile?

A Lige Bly.

Q South of Ramona? A Right on the railroad?

Q Yes? A Bly owns right from that little creek south and my impression is Lige Bly owns it.

Q Do you know he owns it? A He is living on it.

Q Well, who owns that place that is two miles south of Ramona on the railroad? A On which side of the railroad?

Q On the west side? A Well, I could not say fro certain but I think,

Q Now, we just want to know if you know? A I don't know.

Q Might Charley Burnett not have owned thatplace? A I could not say as to that.

Q Didn't you state you knew a while ago you knew all oc those place? A That gets about seven or eight miles from my place.

Q I mean all directions from Ramona? A I could not state as to that.

Q You didn't intend to tell this commission that you knew ~~wit~~ who owns all those places five or six miles from Ramona?

A I don't know.

Q You mean from your house right to Ramona on the road you know who owns all those places? A They change hands every once in a while

Q Do you know of your own knowledge that Charley Burnett does not own any place in the Ramona neighborhood? A He don't own any to my knowledge.

Q That is not my question?

Commission: Just answer the question?

A I don't know that he does

Q As far as you know he might own two or three improvements there might be not? A Well, he might of course I could not say in the recent years what he has bought

Q You are testifying some six or seven years ago are you or when are you testifying? A Up until he sold out up until the time he left there.

Q Well, now, about this woman living there, did you say that the people in that community recognized them as man and wife, that is they held themselves out as man and wife in that community there

A I was generally talked that they lived together; I never heard anybody say that they were man and wife.
Q Did they hold themselves out there to the community as man and wife? A No, sir.
Q Did they rate themselves to be man and wife to the people at all? A No, sir.
Q Do you know whether or not they lived together as man and wife of your own knowledge? A No, sir, I don't.
Q Charles Burnett might have half dozen places around Coffeyville and around Bartlesville and you not know it? A Certainly.

MR. HASTINGS:

Q You never heard of him buying any other place down there after he sold out? A No, sir.
Q And you are one of the old citizens down there? A Yes, sir.
Q The generaly supposition among the people up in there that he and this woman were living together? A The general supposition.

Commission. The attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 20 days in which to file a brief in the case, one copy with the commission and one copy with the representative of the Cherokee Nation.

---o---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

G

Cherokee D-547

Department of the Interior,
Commission to the Five Civilized Tribes,
Dewey, I. T., October 17,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application for the enrollment of CHARLES C. BURNETT as a citizen by intermarriage of the Cherokee Nation;
JAMES W. GIBSON, being sworn and examined, testified as follows:

BY COMMISSION: Applicant this day notified by telephone at Coffeyville, Kansas, that testimony would be taken in his case at Dewey, I. T., on this day; applicant fails to appear either in person orb yattorney.

BY COMMISSION:

Q What is your name? A James W. Gibson.
Q How old are you? A I am 38.
Q What is your post-office address? A Weldon, I. T.
Q You live in Cooweescoowee District? A Yes sir.
Q You are a recognized citizen of the Cherokee Nation by Delaware blood? A Yes sir.
Q Do you know Charles C. Burnett, who claims citizenship by inter marriage in the Cherokee Nation? A Yes, I know him.
Q Was his wife any relation of yours? A Yes, she was a cousin of mine, Lizzie or Eliza, I think.
Q How long have you known Charles C. Burnett? A I have known him for about thirty years.
Q Was he married to your cousin? A Yes.
Q When? A I don't know the exact date, somewhere about 1890.
Q Where does Charles C. Burnett reside now? A Coffeyville, Kansas
Q How long has he resided there? A Well I expect perhaps three or four years maybe longer, I don't exactly know.
Q Can you recollect where he resided as far back as June,1898?
A I think he lived on Double Creek, I wont be positive.
Q That's in the Cherokee Nation? A Yes sir.
Q In about what year did he remove to Coffeyville? A I can't say exactly now, I know about the time, it was along about that time perhaps that he moved to Coffeyville, but I don't remember now
Q Since he moved to Coffeyville three or four years ago has he lived there continuously ever since? A I think so Yes.
Q Does he make that his home? A I think so
Q What does he do there? A I don't think he has any occupation. I think he owns some property there.
Q His wife is dead? A Yes sir.
Q How long has she been dead? A She has been dead since, let me see, she died in I think about 1898, he has no family, no children
Q How many years ago did he always live in the Cherokee Nation since his marriage to your cousin? A Yes sir, I talked with him some time ago and he told me he had filed on some land when the Delawares began suit you know, he said he had filed on some land together with the Delawares.
Q Do you know whether he owns any property or has any home here in the Cherokee Nation now? A Only what he told me, he said he had a claim in the Cherokee Nation down on Double Creek I think
Q Do you know if he still owns that? A I think so
Q Do you know whether he ever intends to return to this country to live? A No, he told me he intended to move back here as soon as the Delawares got their allotment, he had no place to stay he said he told me he went to Coffeyville to stay

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 3, 1902.

T. F. Austin
Notary Public

of the Cherokee Nation.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902.

Mr. Charles C. Burnett,

Bartlesville, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 1st day of March, 1902,

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee 2-547
Register.

Commissioner in Charge.

AFFIDAVIT.

UNITED STATES OF AMERICA, /
INDIAN TERRITORY,
NORTHERN DISTRICT \ ss

In the matter of the application of Charles
for enrollment as a Cherokee [redacted]an. Citizen

C. Burnett
No. C D 547

Henry Jack of lawful age, being duly sworn on oath states that on the 21st day of February A D 1902 he registered as Charles C. Burnett whose postoffice is Coffeyville Kans. [redacted] a true copy of which is attached hereto and he herein attaches the receipt of the Commissioner at Muskogee and that on the 25th day of February Charles C. Burnett

Henry Jack

25th day of February

NOTICE!

IN THE MATTER OF the application of [illegible] for enrollment as Cherokee citizens:

Case No. D 547.

To Charles J. Burnett, Joseville, Ten:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory on [illegible] at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof the undersigned representatives of the Cherokee Nation have hereunto set their hands this [illegible]

W. W. Hastings

[illegible]

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-547

Muskogee, Indian Territory, March [illegible] 1902.

Mr. Charles C. Burnett,

Coffeyville, Kansas,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 19, 1902.

On said date, you may if you desire appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representative of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to defeat your right to enrollment, and such Representative will be required to file [illegible] of their intention to introduce testimony before [illegible]

This cancels notice heretofore sent you at Bartlesville.

[illegible]

Commissioner in Charge.

Cherokee D-847

Muskogee, Indian Territory, July 11, 1902.

E. B. Lawson, Esq.,

Attorney for Charles C. Burnett,

Sir:

There is enclosed herewith for your information a notice which has this day been sent to Charles C. Burnett, Bartlesville, Indian Territory.

Very respectfully,

Acting Chairman.

1 Encl.
Register.

Cherokee D-547

Muskogee, Indian Territory, July 11, 1902.

In the matter of the application of Charles C. Burnett for enrollment as a citizen by intermarriage of the Cherokee Nation. } NOTICE.

To Charles C. Burnett,

Bartlesville, Indian Territory,

You are hereby notified that you will be allowed fifteen days from date hereof to submit to this Commission the testimony of witnesses, or other evidence tending to show that you had in good faith settled in the Cherokee Nation prior to June 28, 1898, and that you were a bona fide resident of the Indian Territory on said date.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tolling Chairman.

Register.

Cherokee D 547

Muskogee, Indian Territory, October 15, 1902.

E. E. Lawson,

Attorney for Charles C. Burnett,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that Charles C. Burnett, has this day been directed to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and introduce testimony relative to his right to enrollment as a citizen by intermarriage of the Cherokee Nation, on September 1, 1902; also, testimony as to his residence in the Indian Territory.

Respectfully,

Commissioner in Charge.

Cherokee D 547

Muskogee, Indian Territory, October 14, 1902.

Charles T. Burnett,

Coffeyville, Kansas.

Dear Sir:

The act of Congress approved July 1, 1902 (Public No.241) and ratified by the citizens of the Cherokee Nation, August 12, 1902, provides that " the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two."

In accordance with said provision, you are hereby directed to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to your right to enrollment as an intermarried citizen, on September 1, 1902.

At the same time, you will be required to submit further evidence as to your residence in the Indian Territory.

Please give this matter your immediate attention, as the evidence requested is necessary to determining your right to participate in the allotment of the lands of the Cherokee Nation, and until the same is furnished, no further action will be taken looking towards your final enrollment as an intermarried citizen.

C. C. B.

Please present this letter when you appear before the Commission.

Respectfully,

Commissioner in Charge.

Cherokee D 547.

Muskogee, Indian Territory, December 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Charles C. Burnett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 1, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 89.

Cherokee D 547.

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Charles C. Burnett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enclosure H. No. 88.

COPY.

Cherokee D 547.

Muskogee, Indian Territory, December 3, 1902.

E. B. Lawson,

Attorney for Charles C. Burnett,

Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the supplementary proceedings had in the matter of the application of Charles C. Burnett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated December 1, 1902, rejecting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, was this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

[redacted],

Acting Chairman.

Register.

Enclosure E. No. 87.

Cherokee D 547.

Muskogee, Indian Territory, December 3, 1902.

Charles C. Burnett,
c/o Southern Hotel,
Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, E. B. Lawson, Nowata, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enclosure H. No. 84.

Acting Chairman.

REFER IN REPLY TO THE FOLLOWING
Cherokee
D 547.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 17, 1906.

Charles C. Burnett,

Bartlesville, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior November 30, 1906.

Respectfully,

S.V.

Commissioner.

Cherokee
D 547.

Muskogee, Indian Territory, December 17, 1906.

E. [illegible]. Lawson,

Attorney for Charles C. Burnett,

Nowata, Indian Territory.

You are hereby advise[illegible] that the decision of the Commission to the Five Civilized Tribes, dated [illegible], 1906, relative to the application for the enrollment of Charles [illegible] Burnett as a citizen by [illegible] of the Cherokee Nation, was rendered by the Commission on [illegible], 1906.

[illegible]

[illegible]

Cherokee
D 547.

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

(COPY)

D.C.55163-1906. Y.P.

DEPARTMENT OF THE INTERIOR FHE.

WASHINGTON.

I.T.D.1676-1906.

L.R.S.

November 30, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application of Charles [illegible] Burnett for enrollment as an intermarried citizen under the Cherokee nation is denied. Burnett has married a citizen, both of his wives, now deceased, were [illegible] members. He has no [illegible] rolls.

A copy of Indian Office letter of November 17, 1906, submitting [illegible] to the Department, and in which it is held that the applicant is entitled [illegible], is inclosed. The papers in the case are herewith sent to the Indian Office.

Respectfully,

[illegible]

First Assistant Secretary.

Inclosure from Commissioner of Indian Affairs.

1 inc. and 5 sub inc. Of.

Land.

72595-1902.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. Feby. 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated December 3, 1902, forwarding, for the Department's consideration, the record relative to the application of Charles J. Burnett, for enrollment as an intermarried citizen of the Cherokee Nation.

December 1, 1902, the Commission held that the applicant was not entitled to enrollment.

The record in this case shows that Charles J. Burnett is identified by the 1880 roll and the 1890 census roll, as an adopted white; that he has been married twice, that both of his wives are now dead, that they were both citizens of the Cherokee Nation, of Delaware blood, that his second wife died about twelve or fifteen years prior to 1900, and that he was not married since her death.

The Commission takes the position that the evidence shows that the applicant has resided in the State of Kansas since 1887, and that he is not, therefore, under the following provision of the Curtis act, "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship", entitled to enrollment.

The record in this case does not show whether the applicant was married to either of his wives in accordance with the laws of the Cherokee Nation, but, inasmuch as his name appears on the 1880 roll, it is presumed that he was at least married to his first wife in accordance with the laws of that Nation. He first married "along in 1870" an adopted Delaware woman by the name of Wuskelonnon. She died about three years after their marriage.

In 1876 he married another Delaware woman named Quantandut.

The record shows that the applicant testified that he had never made a home anywhere except in the Cherokee Nation; that he was "intimidated out of the country for a while by desperados", but that he never maintained a home other than in the Cherokee Nation, that he had been living temporarily at Coffeyville, that he [illegible] there, that [illegible] life, "I was afraid of the [illegible] at Coffeyville, and they threatened my life and I left at that time for fear", and he never exercised the rights of citizenship in the State of Kansas or elsewhere.

On October 12, 1904, [illegible] testified that he was acquainted with the applicant, that he had known the whole of his life, that he had always understood that the applicant considered himself a citizen of the Cherokee Nation; that there had never been any dispute about the applicant's citizenship, so far as the affiant was advised; that the applicant registered at the hotel in Coffeyville as from the Cherokee Nation, "that is, the Indian Territory", and that the applicant had been looked upon as a man who lived "on this side of the line."

March 22, 1905, [illegible] testified in the case, and [illegible], on the part of the Cherokee Nation, testified that he was

acquainted with the applicant; that he had known him about twelve years; th t he used to live above Bartlesville; that he owned a farm t'ere; that he sold the same; that he then went to Oklahoma, but soon returned to the Cherokee Nation; that he afterwards went to Kansas; that while he resided on the farm he lived with a white woman by the name of Troxey, and that it was the supposition throughout the country "that they were living there together". He testified that Mrs. Troxey lived in the Cherokee Nation at the same time that the applicant did. He further testified that Mrs. Troxey was not recognized by the people of the vicinity as the wife of the applicant; that he did not introduce her to the people of that community as his wife, that "it was understood that a marriage ceremony had not been performed", and that he did not know, of his own knowledge, whether the applicant owned, within the limits of the Cherokee Nation, [illegible] of the farm, or no farm".

[illegible] testified in behalf of the [illegible] that he was acquainted with the applicant, that the applicant purchased a place from [illegible] near Ramona, that to the best of his recollection [illegible] the place three or four years after he had purchased it, that the applicant then went to the vicinity of Coffeyville, that the applicant [illegible] improvements in the vicinity of Ramona, that while the applicant lived on [illegible] a white woman by the name of Mrs. Troxey lived with him, that the people did not know whether a marriage ceremony had been performed, but "recognized them as living together", that the applicant did not represent to the community in which he lived that Mrs. Troxey was his wife, and that he did not, of his own

knowledge, know whether the applicant, Charles C. Burnett, and Mrs. Troxey, lived together as husband and wife.

October 17, 1902, James W. Gibson testified that to the best of his knowledge, (in June 1898), the applicant lived on Double Creek, in the Cherokee Nation; that the applicant told him he intended to return to the Cherokee Nation as soon as the Delawares received their allotments; that he had no place to stay, and that that was why he went to Coffeyville.

The record shows that on October 17, 1902, the applicant was notified, by telephone, that testimony would be taken in his case on [illegible] at [illegible], Indian Territory, [illegible] on October [illegible], 1902, [illegible] to the commission, [illegible] his health [illegible] Coffeyville, and that [illegible] of it.

[illegible]

[illegible] citizen of the Cherokee Nation, he became a [illegible] all [illegible] the state [illegible] Cherokee. [illegible] from the Cherokee Nation and became a citizen of some other government. The mere fact that he may have altered his citizenship by so doing, the fact that he may have lived in the Cherokee Nation with a white woman subsequent to the death of his second wife by cohabiting

to do with his right to citizenship in the Cherokee Nation, unless it be shown that he was married to the woman. The record shows that he was not married to her, and that he has not married since the death of his second wife, in about 1885 or 1886.

In view of the foregoing, the office is of the opinion that the applicant is entitled to enrollment as an intermarried citizen of the Cherokee Nation, and it therefore respectfully recommends that the decision of the Commission adverse to him be not approved, and that the Commission be directed to enroll him as a citizen of the Cherokee Nation by intermarriage.

The fact that the applicant wrote a letter to the Commission withdrawing his application should not be permitted to militate against him. If he is entitled to enrollment as a citizen of the Nation he should be enrolled, even though he seems to have determined to make no further effort to establish his rights.

In connection with this case the attention of the Department is respectfully invited to [illegible] (I.T. .791), [illegible] enrollment of [illegible] citizen of the Cherokee Nation.

Very respectfully,

Recommended:

Acting.

Cher R 1119

Trans from cher D550

Cher R 1119

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 9- 1900 ~~1900~~.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age

R . Doubtful as to applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., Oct.9,1900.

In the matter of the application of Mattie Ellen Keys for the enrollment of herself and one child as Cherokee citizens; being sworn by Commissioner Breckinridge and examined by the Commission she testified as follows:

Q What is your name? A Mattie Ellen Keys.
Q How old are you? A 45
Q What is your post-office? A Ramona I. T.
Q For who do you apply. A Myself and one child.
Q Where do you live? A At Ramona.
Q What district is that in? A Cooweescoowee.
Q How long have you lived there? A A year now.
Q Where did you live prior to that time? A Nowata
Q How long have you resided in the Cherokee Nation? A Since 1877.
Q Have you been out of the Indian Territory within the past 3 years? A Yes sir.
Q For what purpose did you leave the Territory, and how long were you absent? A For the purpose of my daughter's health, I was gone about three months.
Q Have you been out of the Territory, with the exception of that time, at any time within the past three years? A Nosir
Q Does your name appear upon the authenticated roll of 1880? A My husband does, not mine, I am on all the other rolls.
Q Do you make application as a Cherokee by blood or intermarried citizen? A Adopted citizen.
Q What is your father's name? A William Miller.
Q Is he living? A No sir
Q What is your mother's name? A Orlena Miller.
Q Is she living? A Yes sir
Q Are they both whites? A Yes sir
Q What is the name of your husband? A William Isaac Keys.
Q Is he living? A No sir.
Q Was he a Cherokee by blood? A Yes sir
Q Does his name appear upon the authenticated roll of 1880?
A Yes sir.
Q How long has your husband been dead? A Died April 28 1897
Q Did you live with your husband up until the time of his death?
A Yes sir.
Q Have you ever been married since the death of your husband?
A Yes sir
Q To whom were you married? A [illegible] Tracy
Q Is he a Cherokee by blood, or a white man? A Cherokee.
Q Is he living or dead A Living.
Q How long did you live with Mr. Tracy? A 4 months
Q Did you leave him or did he leave you? A I left him.
Q What was the cause of the separation? A Adultery.
Q Then after that your separation from Tracy you went back to the name and used the name of your former husband? A Yes sir.

By Charles Ray vs W W. Hastings

Q Was there any divorce between you and your husband Tracy?
A Yes sir, he is married again.
Q Who secured the divorce? A He
Q He sued you? A Yes sir
Q What did he allege as the ground of divorce? A Desertion
Q And the court granted it? A Yes sir
Q Did you answer in the court? A No sir
Q You allowed it to go on the ground of desertion? A Yessir
Q Have you ever married since that time? A No sir

By the Com'n:

Q What's the name of this child for whom you make application?
A Myrtle Keys.
How old? A She is 14
Q Who was the father of this child? A William Isaac Keys.
Q Have you any evidence of yourmarriage to your former husband, William Isaac Keys? A I have my marriage certificate here. (Produces papers)
Q What was your name before you marriedKeys? A Holland was my name before I married Mr. Keys.
Q Was your former husband a white man or a Cherokee? A White man.

The Com'n: The applicant presents marriage certificate showing that she was married to I. W. Keys, a citizen of the Cherokee Nation, according to the laws of the Cherokee Nation, by Rev. Palmers on the 4th day of January 1882, said Palmers being a Minister of the Gospel; license was duly recorded on the 2nd day of April 1888. Same will be filed therewith.
1880 roll for former husband, page 126 #1601 as J. W. Keys, Coowee-scoowee District native Cherokee;
896 roll page 312 #575 Mattie Keys, Coowescoowee District intermarried;
1896 roll page 194 #2711 Myrtle Keys, Coowescoowee District, native Cherokee;
Q Did you live with Keysuntil he died? A Yes sir.

By the Commission: The applicant applies for the enrollment of herself and daughter; she is identified upon the census roll of 1896 as an intermarried Cherokee; she presents duly authorized marriage certificate showing her marriage to William Isaac Keys in the year 1882, she avers that she lived with Keys until the time of his death; her residence in the Territory has been duly established after his death she married C. B. Tyner, whom she declares to be a citizen by blood of the Cherokee Nation, she lived with him only 4 months, he then secured a divorce upon the grounds of desertion, according to section 687 of the Compiled Laws of the Cherokee Nation of the year 1892,

"Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife or husband, shall thereby forfeit every right and privilege of citizenship in this Nation".

her application will therefore be placed upon a doubtful card for the further investigation of the conditions, and upon final judgment is rendered in her case, she will be notified at her present address, whether favorable or unfavorable.

Now as to the enrollment of her child Myrtle Keys, the father of this child, William Isaac Keys is duly identified upon the roll of 1880 as a native Cherokee, he was lawfully married to Mattie E. Holt, the applicant in the year 1882. This child, Myrtle Keys, being the issue of said marriage, the child is identified upon the roll of 1896 as a native Cherokee, and her residence in the Territory having been fully established, she will be listed for enrollment by this commission as a Cherokee by blood and placed upon a regular Cherokee card.

The license and return in addition to the C.D.C. and being in due form it is returned herewith.

I, [illegible] being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 9th day of Oct. 1902.

[illegible]
Commissioner

"R"

D 550

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Mattie E. Keys, for the enrollment of herself as a citizen of the Cherokee Nation:

The applicant was notified by registered letter on February 12, 1902, that her application to be enrolled as a citizen of the Cherokee Nation, would be taken up by the Commission for final consideration, at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902; and that she could on said day appear, either in person or by attorney, and introduce any further testimony affecting her application.

Receipt has been acknowledged of the Commission's letter.

The case has this day, to-wit: the 1st day of March, 1902, been called three times, and the applicant failing to respond either in person or by attorney, it is directed that the case be closed, and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 27 190

39 C.B.Tyner,
Vs.
Mattie E.Tyner,

9 - 16 - 92.

The above case called and no answer on part of defendant, therefore the court renderes Judgement by default.

9-16-92

Executive Office Cherokee Nation,

Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the Docket of the Circuit Court of Cowweescoowee District Cherokee Nation,for the September Term 1892,now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 21st day of February 1901.

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

Cherokee D 550

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mattie Ellen Keys for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 9, 1900, Mattie Ellen Keys appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. The application also included her minor daughter, but she is differently classified and is not embraced in this decision.

The evidence shows that Mattie Ellen Keys was lawfully married on January 4, 1882, to one William Isaac Keys, a citizen by blood of the Cherokee Nation. It is further shown that on April 25, 1887, he died. She subsequently married one C. B. Tyner, also a citizen by blood of the Cherokee Nation. It is further shown that on September 16, 1892, said C. B. Tyner applied for and secured a divorce from his aforesaid wife, alleging as a cause therefor desertion. She then resumed the name of her first husband. She is identified on the Cherokee Census Roll of 1896.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The evidence in this case shows that applicant secured rights of Cherokee citizenship through intermarriage with her first husband William Isaac Keys. She has resided in the Cherokee Nation, with the exception of three month's temporary absence, continuously since 1879 up to and including the date of this application.

It is, therefore, the opinion of this Commission that Mattie Ellen Keys should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible]

[illegible]

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902.

Mrs. Mattie E. Keys,

Ramona, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 1st day of March, 1902,

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment. Said Representatives will be required to notify you if they intend to introduce testimony before you will be required to do so.

You are required to supply the Commission with your certificate of marriage to William [illegible] Keys.

[illegible]

Commissioner in Charge.

Cherokee No.
D. 550

Muskogee, Indian Territory, January 10, 1907.

Mattie E. Keys,

Ramona, Indian Territory,

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

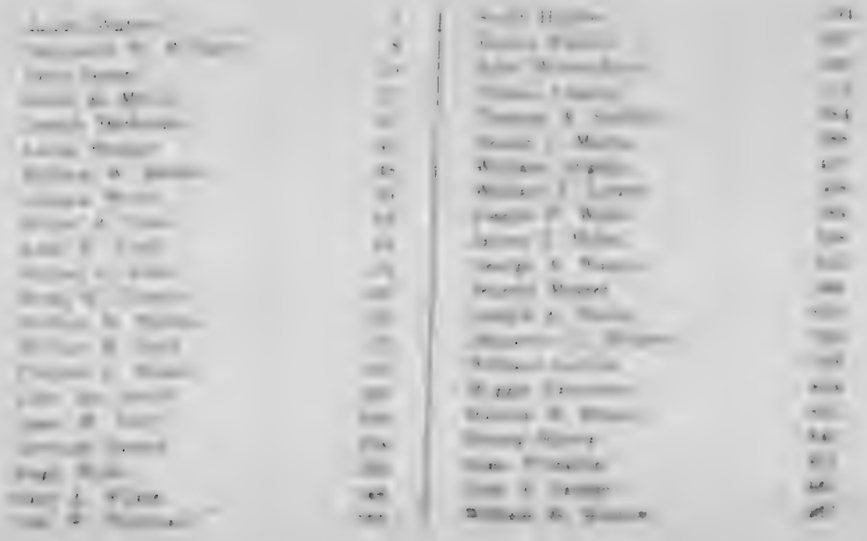
Incl. Decn. D

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment of citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION



Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N Bateman	1029
[illegible] Ballard	1065
[illegible]	1074
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Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleston	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Stykemer	2809
James P. Ray	2825
William Broadbus	2854
William A. Marr	2865
Joseph Q. Bu	2888
Mary L. Baker	[illegible]
Ella M. Bu	[illegible]
Lou R. Sh	[illegible]
Ira W. Wag	[illegible]
John B. La	[illegible]
Lula G. Hu	[illegible]
Bell L. Mo	[illegible]
Flora O'Neal	[illegible]
Margaret Cooper	[illegible]
Winfield S. Sm	[illegible]
Benjamin F. Fo	[illegible]
Mollie Dougherty	[illegible]
Frances M. Dou	[illegible]
Sue A. Bu	[illegible]
Gertrude Ad	[illegible]
William R. Ba	[illegible]
Frank H. Ca	[illegible]
Jesse M. Ca	[illegible]
Martha F. Ca	[illegible]
Anna E. Lo	[illegible]
Gilbert A. Ad	[illegible]
Anna B. Ha	[illegible]
Ella Woodhouse	[illegible]
David E. Jo	[illegible]
Grace Fleming	[illegible]
Robert L. Pa	[illegible]

William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Juha M. A. Russell	3386
Andrew J. Smith	3393
Wilham N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma M. Affrey	3543
William T. Hoatt	3570
Mary F. Chesteen	3580
Phillip Donahoo	3581
Ernest L. Kelley	3593
Annie Hozat	3594
Maggie V. Fa	3615
Joel Tho	3616
Lawrence W. S	3692
Andrew J. Mc	3713
Sarah Tho	[illegible]
William F. Fi	[illegible]
Edward J. Mo	[illegible]
Minnie McClung	[illegible]
Augustus La	[illegible]
Charles A. Wa	[illegible]
Ida Ba	[illegible]
Charles W. Ba	[illegible]
Mary J. Ha	[illegible]
Lucius Lo	[illegible]
Margaret J. Fa	[illegible]
Jessie L. Wa	[illegible]
Ben Tho	[illegible]
William W. Fa	[illegible]
Minnie M. Ba	[illegible]
Albert B. Ja	[illegible]
Richard W. Ba	[illegible]
Rich K. Ha	[illegible]
Ella Ba	[illegible]
Martha M. Th	[illegible]
Claude Ow	[illegible]
Sam C. Ca	[illegible]
Jesse G. Ba	[illegible]
William M. Ha	[illegible]
Vannoh Brew	[illegible]

Nancy J Kinney	4225
Sydney E Bell	4232
Isaac H Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swabbock	4319
Frances Guess	4324
Allen H Gibson	4327
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Lizzie Love	4626
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Frederick Metzner	4633
John C Bratcher	4634
Pigrow L Jones	4641
Ada Berthelf	4642
Alice Robbins	4644
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Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R Goodall	5356
Charles Hotton	5390
James W Goddard	5417
Dora Cox	5425
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Horace H Huddlestun	5832
William R Sartain	5837
Joseph A Lawrence	5843
William H Hinton	5846
Joseph Lehi	5851
Enm M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W Young	5872
Earley F Ellis	5874
Rosa B Alberts	5877
Sarah Carlton	5879
Mamie Peck	5887
Jack H Mercer	5888
John D Mercer	5889
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James J Snider	6375
William H Winget	6376
Ida R Wilkerson	6383
George V McBride	6385
Matilda Cookston	6387
William A Lick	6392
William O Ame	6394
Thomas Walker et	6396
Alice C Spring for	6407
Lacey N Wer	6413
Lilie M Adair	6424
Mark I Matheny	6428
Ida L Wilson	6431
George F Mar	6441
Thomas S Rees	6446
Dwight A Sn	6457
Hen J Dun	6460
Sam Wa	6462
Lu Wi	6468
Mar E Tur	6473
Ch Ha	6488
Ch C	6490
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Jame L Lee	6717
Rose Phillip	6723
Kate Brown	6735
Lucie B Barnett	6743
Elizabeth Snider	6745
Wilmer L Nell	6747
Wilbur R Scott	6751
Linda Lick	6770
Margie Ketcher	6779
Dora A McDonald	6783
Ross B Wilk	6785
Dan J Hazzard	6787
Mar R Tarpole	6801
Mar A McSpa	6811
Sam L Lan	6824
Ch Lu	6845
Mar M Wa	6846
Ch Co	6850
Lu H	6853
Ch E Tu	6855
Ch R Mo	6859
Ja Co	6872
Ch A	6876
Ja B	6877
Ja	6878
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James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rubie M Norman	7155
Mary E Foreman	7158
Alma West	7159
James M Connally	7161
Frances M Crowell	7163
Louise E McClure	7171
Benjamin B Graham	7176
Ada Phelps	7180
William [illegible]	7184
Frances B Perry	7191
Philip Shaffer	7210
Hester A Miller	7212
Margie B [illegible]	7215
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George E Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Jane Thomas	9562
James F Petty	9563
Laura McCrary	9566
Joel D Smith	9568
William T Cave	9572
William Bugher	9577
Lizzie M Smith	9582
John E Nazworthy	9583
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Robert I Gettys	9590
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James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10034
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Wattie Shetley	10038
~~John E. Carter~~	~~10039~~
John M. Boyd	10043
William Foster	10047
Darius B. Trask	10049
Henry A. Kelley	10050
[illegible] L. Powell	10051
[illegible] L. Bowman	10052
George W. [illegible]	10053
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Nannie Martin		10210
Sarah A Fields		10214
Susie Henderson		10216
Charles H Ruenhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Timberlake		10226
George A Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M Coster	D	17
Martin L Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Bates	D	103
George T Reddy	D	108
Henry C Agnew	D	139
Joseph Lodge	D	147
Henry Hatton	D	149
David A McGeorge	D	167
[illegible]	D	169
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Nora Hall	D	284
[illegible]	D	[illegible]
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[illegible] W Hunt	D	364
[illegible]	D	[illegible]
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Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Linnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mills	D	1337
Silas G. Reneckar	D	966	Alfred H. Woods	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Gunn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warner	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1436
George Hazlewood	D	1013	S. E. Moore	D	1434
James M. Jones	D	1022	Addie Schoonover	D	1448
Reuben A. Evans	D	1052	Emma Vann	D	1458
Carrie H. Cobb	D	1049	Marcellus Blount	D	1474
John M. Berry	D	1060	G. W. Williamson	D	1500
Sarah F. Henson	D	1085	C. C. Wood	D	1558
Lucia D. Herron	D	1087	Lindsay Brooks	D	1567
Hattie L. Dawson	D	1090	Frank Gibson	D	1578
Benjamin F. Cole	D	1099	Mary Frances Vann	D	1607
Benjamin Stanton	D	1107	Charles Kane	D	1614
Nancy Sanders	D	1113	Jesse Smith	D	1620
Mary Wood	D	1124	W. A. Jones	D	1627
Otis H. Morgan	D	1126	C. C. Gibson	D	1630
Lucinda B. Stone	D	1129	J. [illegible]	D	1633
Craig Fuller	D	1132	Jesse Stanton	D	1636
Jesse Rogers	D	1135	Mary Stanton	D	1639
Benjamin F. Bell	D	1138	Charles Stanton	D	1642
Martha Gibson	D	1141	Lucinda Stanton	D	1645
Thomas Hendrix	D	1144	Benjamin Stanton	D	1648
Lucinda Hendrix	D	1147	Mary Stanton	D	1651
Benjamin Hendrix	D	1150	Jesse Stanton	D	1654
Mary Hendrix	D	1153	Charles Stanton	D	1657
Jesse Hendrix	D	1156	Lucinda Stanton	D	1660
Charles Hendrix	D	1159	Benjamin Stanton	D	1663
Lucinda Hendrix	D	1162	Mary Stanton	D	1666
Benjamin Hendrix	D	1165	Jesse Stanton	D	1669
Mary Hendrix	D	1168	Charles Stanton	D	1672
Jesse Hendrix	D	1171	Lucinda Stanton	D	1675
Charles Hendrix	D	1174	Benjamin Stanton	D	1678
Lucinda Hendrix	D	1177	Mary Stanton	D	1681
Benjamin Hendrix	D	1180	Jesse Stanton	D	1684
Mary Hendrix	D	1183	Charles Stanton	D	1687
Jesse Hendrix	D	1186	Lucinda Stanton	D	1690
Charles Hendrix	D	1189	Benjamin Stanton	D	1693
Lucinda Hendrix	D	1192	Mary Stanton	D	1696
Benjamin Hendrix	D	1195	Jesse Stanton	D	1699
Mary Hendrix	D	1198	Charles Stanton	D	1702
Jesse Hendrix	D	1201	Lucinda Stanton	D	1705
Charles Hendrix	D	1204	Benjamin Stanton	D	1708
Lucinda Hendrix	D	1207	Mary Stanton	D	1711
Benjamin Hendrix	D	1210	Jesse Stanton	D	1714
Mary Hendrix	D	1213	Charles Stanton	D	1717
Jesse Hendrix	D	1216	Lucinda Stanton	D	1720
Charles Hendrix	D	1219	Benjamin Stanton	D	1723
Lucinda Hendrix	D	1222	Mary Stanton	D	1726
Benjamin Hendrix	D	1225	Jesse Stanton	D	1729
Mary Hendrix	D	1228	Charles Stanton	D	1732
Jesse Hendrix	D	1231	Lucinda Stanton	D	1735
Charles Hendrix	D	1234	Benjamin Stanton	D	1738
Lucinda Hendrix	D	1237	Mary Stanton	D	1741
Benjamin Hendrix	D	1240	Jesse Stanton	D	1744
Mary Hendrix	D	1243	Charles Stanton	D	1747
Jesse Hendrix	D	1246	Lucinda Stanton	D	1750
Charles Hendrix	D	1249	Benjamin Stanton	D	1753
Lucinda Hendrix	D	1252	Mary Stanton	D	1756
Benjamin Hendrix	D	1255	Jesse Stanton	D	1759
Mary Hendrix	D	1258	Charles Stanton	D	1762
Jesse Hendrix	D	1261	Lucinda Stanton	D	1765
Charles Hendrix	D	1264	Benjamin Stanton	D	1768
Lucinda Hendrix	D	1267	Mary Stanton	D	1771
Benjamin Hendrix	D	1270	Jesse Stanton	D	1774
Mary Hendrix	D	1273	Charles Stanton	D	1777
Jesse Hendrix	D	1276	Lucinda Stanton	D	1780
Charles Hendrix	D	1279	Benjamin Stanton	D	1783
Lucinda Hendrix	D	1282	Mary Stanton	D	1786
Benjamin Hendrix	D	1285	Jesse Stanton	D	1789
Mary Hendrix	D	1288	Charles Stanton	D	1792
Jesse Hendrix	D	1291	Lucinda Stanton	D	1795
Charles Hendrix	D	1294	Benjamin Stanton	D	1798
Lucinda Hendrix	D	1297	Mary Stanton	D	1801
Benjamin Hendrix	D	1300	Jesse Stanton	D	1804
Mary Hendrix	D	1303	Charles Stanton	D	1807
Jesse Hendrix	D	1306	Lucinda Stanton	D	1810
Charles Hendrix	D	1309	Benjamin Stanton	D	1813
Lucinda Hendrix	D	1312	Mary Stanton	D	1816
Benjamin Hendrix	D	1315	Jesse Stanton	D	1819
Mary Hendrix	D	1318	Charles Stanton	D	1822

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nuhffer	D	2730
Richard Nichols	D	2731
~~William S. Ross~~	~~D~~	~~2738~~
Irene Riley	D	2739
William H. Rowle	D	2740
[illegible] C. Scroggs	D	2741
Della [illegible]	D	2743
W[illegible] S. Sage	D	2744
[illegible] Thomas	D	2748
[illegible] F. [illegible]	D	2749
[illegible] L. [illegible]	D	2770
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

Luc Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Julian Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jennie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A Barger	R	656
Rosetta McLaughlan	R	41	Ida Hawkins	R	671
Martha A Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M Emmons	R	803

Cherokee D 550

Muskogee, Indian Territory, March 14, 1907.

Mattie E. Keys,

Ramona, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

WPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-1200
DMC

Cher R 1120

Trans from Cher D 558

Cher R1120

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
OCT 10 1900

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 10 1900 1900.

Name Bartlesville D. [illegible]

District Year Page No.

Citizen by blood Mother's citizenship [illegible]

Intermarried citizen Date of marriage

Married under what law Certificate

License

Wife's name Estelle Mayo

District Year 1896 Page — No. —

Citizen by blood Mother's citizenship Richard [illegible]

Intermarried citizen victoria

Married under what law Date of marriage 7-27-1893

License Certificate OCT 10 1900

Names of Children

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

22 [illegible] 1893

Tahlequah
District
Cherokee Nation

This is to certify
that the undersigned is
an Minister of the Gospel of
[illegible] Christ and duly
ordained according to the laws
Sec 96 Compiled Laws of the
Cherokee Nation

[illegible]

Recorded on page 216
Book [illegible] Marriage Record
Clerk of Tahlequah District

COMMISSION TO F.M. THESES.
No. Received

EXECUTIVE DEPARTMENT

CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

Goowoosoowoo District

Cherokee Nation

This is to certify that we the undersigned are witnesses to the marriage of Joseph Wagan and Ada McDaniels according to the (20) article Sect. 96 Compiled laws of the Cherokee Nation.

J. M. Bennett

Route Davis

Hulah Bennett

Geo. W. Ringo

Recorded by Joe M. Lahay

Clerk Goowoosoowoo District.

I, J.T. Parks, Executive Secretary of the Cherokee Nation, do hereby certify that the foregoing is a true and correct copy from the Marriage Record of Goowoosoowoo District, Cherokee Nation now on file in this office and of which I am legal custodian.

Given this the 7th. day of June 1902.

J T Parks

Executive Secretary

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., Oct. 10, 1900.

In the matter of the application of Addie Wayne for the enrollment of herself; having been sworn and examined by Commissioner Brockett, testified as follows:

Q What is your name? A Addie Wayne.
Q How old are you? A 28 years old.
Q What district do you live in? A Coweta.
Q What is your post-office? A Muskogee.
Q You have applied to have enrolled, yourself, husband, and children. Are you a widow, married or single? A Widow.
Q What is your child's name? A Kate Wayne; I think she was enrolled by her grandmother.
Q Is she the only one present for your own enrollment? A Yes sir, as I understand.
Q You say you are a widow? A I was a Citizen of French descent, but I have never been on the roll.
Q Was your husband a citizen? A Yes sir.
Q What was the name of your husband? A Ira Wayne.
Q When did he die? A Ho, he was murdered.
Q When did he die? A He died a year or more ago April 25th.
Q Was he murdered on account of a deal? A I have heard according
Q What was that deal? A I don't
Q Did you live in the Nation? A I don't
Q Was he killed in the Delaware country? A
Q Where did he live? A In
Q How old are you? A
Q Are you willing to make a statement showing that
Q Is that your signature to the certificate on page 2 of this record
Q Was the oath administered to you
Q Was the certificate subscribed and sworn to at this
Q Was the application for enrollment executed
Q Was it executed in your presence? A
Q Did you sign it? A
Q Did you read it before signing it? A
Q Was it read to you before signing it? A
Q Was it explained to you before signing it? A
Q Did you understand it before signing it? A Their
Q Is the statement contained in the application true
Q Is the statement contained in the application true
Q Was the statement contained in the application true
Q Was the statement contained in the application true
Q Was

Addis Wacon 2

Q Did you know of [illegible] A [illegible] I was told that [illegible] all.
Q [illegible] A
Q [illegible] A

[illegible], being sworn and [illegible] testified as follows:

J. [illegible], [illegible]:
1 Petition.
[illegible] A [illegible].
[illegible] six years
[illegible] got
[illegible].

Our Counsel was with a lawyer, Campbell Taylor, a Cherokee lawyer; I don't know what he done.

By Hon Reuben Hastings:

Q. When did your husband die? A. 23 of April a year ago.

Q. Was your father ever called [illegible]? A. Yes sir, not that I [illegible].

By Hon Reuben Hastings:

Q. [illegible] living with [illegible]? A. Yes sir I was [illegible] school of our [illegible]. I was teaching school, I think I [illegible]; I'll [illegible].

[illegible]: Defendants Commission Exhibit A [illegible] Docket A [illegible] Richard McDaniel [illegible] Application; [illegible] 6; answer filed; application decided at [illegible].

[illegible]: Plaintiffs Exhibit [illegible] Docket A [illegible]; [illegible]

"R"

D 558

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Addie Wagon, for the enrollment of herself as a citizen of the Cherokee Nation:

Applicant was notified by registered letter on February 12, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that she could on said day appear either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application.

It is directed that copies of all papers filed with the Commission under the provisions of the Act of Congress approved June 10, 1896, in the case of Richard McDaniel vs The Cherokee Nation, a claimant for citizenship in the Cherokee Nation, be filed with and made a part of the record in this case. The same appears upon the Dawes Commission record of citizenship cases in the year 1896 on page 482, No. 2758.

This case having this day, to-wit: the 1st day of March, 1902, been called , and applicant failing to respond either in person or by attorney, it is directed that the case be closed, and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 28th, 1902.

In the matter of the application of Addie Wagon for the enrollment of herself as a citizen by intermarriage of the Cherokee nation.

Supplemental to D 558.

Addie Laver, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Addie Laver is my name. There my name was given Wagon. I was notified by the Commission to introduce proof.
Q. Wagon is the name that was given when you applied to the Commission in October, 1900? A. Yes, sir.
Q. What is your citizenship? A. I am a Cherokee by blood but I am not on the Rolls.
Q. You claim the right to enrollment as a citizen by intermarriage? A. Yes, sir.
Q. What is the name of your first husband? A. Joseph Wagon.
Q. When were you married to him? A. We were married November 22nd, 1893.
Q. Who married you? A. Joseph Bennett.
Q. Was he a minister of the gospel? A. No, sir; he was not.
Q. What position did he hold? A. Deputy clerk.
Q. What district? A. Coowescoowee.
Q. How long did you and your husband live together? A. We were married in 1893; he died 3 years ago last April, 25th day of April.
Q. Did you live together continuously? A. Exception when I was sick, he didn't want me. I was sick and couldn't work.
Q. Never separated. A. No, sir, never separated. I was at his mothers.
Q. Was there any regular separation? A. No, sir; my things were always at home.
Q. Was you there when he died? A. XX was there when he died.
Q. What did you say your name is at the present time? A. Laver.
Q. What is the name of your present husband? A. Noah Laver.
Q. When were you married to him? A. July 17th.
Q. Last July? A. Yes, sir.
Q. Who married you? A. Evans. I don't know the first name. Evans, a Baptist minister at Bartlesville.
Q. Are you living with him at this time? A. Yes, sir.
Q. What is your husband's citizenship? A. White, English and Dutch.
Q. Has he ever been recognized by the tribal authorities of the Cherokee nation as a citizen? A. No, sir; never tried to be recognized.

Nellie Bennett, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Nellie Bennett.
Q. How old are you, Mrs. Bennett? A. I am 27.
Q. Where do you reside? A. At Muskogee at the present time.
Q. In the Indian Territory? A. Yes, sir.
Q. Are you acquainted with Addie Laver? A. Yes, sir.
Q. Did you know her former husband? A. Yes, I knew him. I was his
Q. Do you know when she and her former husband were married?
A. I don't remember the date they were married.
Q. Were you present at the time? A. Yes, sir.
Q. Do you know who married them? A. Yes, sir.
Q. Who married them? A. Mr. Bennett, my husband.
Q. What official position, if any, did he hold? A. He was deputy clerk.
Q. In what district? A. Coowescoowee.

Q. As such clerk he was authorized to perform the ceremony of marriage? A. Yes, sir.
Q. Did Mrs. Laver and her former husband live together as man and wife until he died? A. I don't know. I suppose they did.
Q. Are you acquainted with her present husband? A. No, sir: I saw him since they came after me. I didn't see them until they came after me.

The tribal rolls of the Cherokee nation examined and the name of applicant's present husband, Noah Laver, does not appear thereon.

Jesse C. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse C. Carr

Subscribed and sworn to before me this 17 day of July, 1908.

Notary Public.

Cherokee D 558

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Addie Laver for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on October 10, 1900, Addie Laver appeared before the Commission at Bartlesville, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1902, and June 28, 1902.

The evidence shows that the applicant was lawfully married about November 1893, to Joe Wagon, a Cherokee citizen of Delaware blood, who is identified on the 1880 authenticated tribal roll of the Cherokee Nation, as an adopted Delaware, and on the 1896 Census roll of said Nation. It further appears that the said Joe Wagon died on April 25, 1899, and that the applicant herein, on July 17, 1901, married Noah Laver, a white man.

From the records of the Commission it appears that the applicant, in connection with her father and others, filed her original petition, under the Act of Congress, June 10, 1896, (29 Stats., 321), with the Commission to the Five Civilized Tribes for enrollment as a citizen by blood of the Cherokee Nation, which was denied by the Commission and no appeal taken therefrom.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "... such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 888 of the Compiled Laws of the Cherokee Nation, (1892), provides:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be) having no rights of Cherokee citizenship by blood, in that case all of his or her rights and privileges under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application for the enrollment of Addie Laver as a citizen by intermarriage of the Cherokee Nation, should be denied, under the provisions of the Act of Congress above quoted, and it is so ordered.

Commission to the Five Civilized Tribes.

Tams Bixby, Chairman.

Thos. B. Needles.

Dana H. Kelsey.

Dated at Muskogee, Indian Territory,

this

Supt to D 558-

-Copy-

State of Northern District)
County of Indian Territory) ss

Richard McDaniel after being duly sworn states on oath my age is 54 years; a resident and citizen of Cooweeskoowee District county and state aforesaid; postoffice Bartlesville and has the following children, to-wit:
Gurney D. McDaniel Addie Wagon Beatrice McDaniel Richard McDaniel Lestie McDaniel,
who were born to me in lawful wedlock and are my children as set forth in my application for citizenship in the Cherokee Nation.

Richard McDaniel

(Seal) Witness:

Subscribed and sworn to before me this the 31st day of August, 1896.

H. Jennings,
Notary Public

(Seal)

I, H. Jennings Notary Public do certify, that Richard McDaniel is a creditable person and entitled to full faith and credit before any of the courts of the state of Indian Territory

H. Jennings

My commission expires April 1, 1899.

NORTHERN DISTRICT)
) SS
INDIAN TERRITORY)

Newton Davis, after being duly sworn, says my age is 52 years, a resident and citizen of Cherokee Nation, County and State aforesaid. Post office address Bartlesville. I have been personally acquainted with the applicant R. McDaniels for the past 4 years and know him to be the person representing himself to be in application for citizenship in the Cherokee Nation.

his
Newton X Davis
mark

Witnesses

H. W. Vanthen.
Joe Hildebrand.

Sworn to and subscribed before me this 31 day of August, 1896.
H. Jennings.

I, H. Jennings do certify that Newton Davis is a credible person and entitled to full faith and credit before any of the courts of the state of Indian Territory or the United States courts.
Witness my hand and official seal this 31 day of August, 1896.
H. Jennings.
(Seal) Notary Public
My commission expires April 1, 1899

-Copy-

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Richard McDaniel, for and on behalf of himself and children

and heirs, this day make their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and Petitioner state that they are Cherokee Indian by blood, deriving the same from Will McDaniel who lived on Saleqnayah Creek in Cass County in the State of Georgia and whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the year 1835 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files their proof in support of said claim, and respectfully awaits the time when their application shall be heard and tried.

Respectfully submitted,
Richard McDaniel.

Enrolment of family, with relationship attached, as follows:

Names	Ages.	Relationship.
Vicortia McDaniel	44	wife
Gamrey D. McDaniel	27	Son
Addie Wason	24	daughter(married)
Beatrice McDaniel	13	daughter
Richard Leslie McDaniel	7	Son

In witness whereof I hereunto set my hand this 3rdst day of August 1896.

(SEAL) Richard McDaniel

United States of America
Indian Territory
Northern District

Richard McDaniel of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

Richard McDaniel.

Subscribed and sworn to before me this the ____ day of _____, 1896.

_____
Notary Public

My commission expires _____

Before the Honorables, Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabiniss and A. B. Montgomery, Commissioners.

In the matter of the application of Richard McDaniel, for citizenship in the Cherokee Nation..

Nation's No._____
Commission's No. _____

Your respondent, S. H. Mayes, PrincipalChief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy, and no legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicant is entitled to citizenship.

~~And~~ Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that Will McDaniel through whom the petitioner claims to derive a right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as at present located and defined; that his name does not appear upon any of the authenticated rolls of said Nation; that neither he nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief,
Cherokee Nation.
By Rutherford, Hastings & Boudinot, Attorneys.

John L. Adair, Executive secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answer are true, to the best of his knowledge and belief.

John L. Adair

Subscribed and sworn to before me this the 3 day of Oct 1896.
[Seal] T. J. Pell
Notary Public.

Endorsed on back as follows:
"Nation's No. 4316. Commission's No. _____
In re Application of Richard McDaniel
Demurrer and Answer
Filed Oct 27, 1896 [illegible]"

[illegible] of the Commissioners of the Port of [illegible] do hereby certify that the above and foregoing is a true, perfect and complete copy of the original now on file with the Commission.

E. C. Bagwell

[illegible]

COMMISSIONERS:
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902.

Mrs. Addie Vagen,

Bartlesville, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 1st day of March, 1902,

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee-888
Register.

Commissioner in Charge.

In reply refer to
C D 558

Muskogee, I. T., June 3, 1902.

Mr. J. T. Parks,
Executive Secretary Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are requested to furnish the Commission at your earliest convenience a certified copy of the marriage record of Joseph Wagen and Addie McDaniels, said record being recorded on page 256, Book B, of Marriage Records for Cooweescoowee District.

Yours respectfully,

Acting Chairman.

C B 656

Muskogee, I. T., June 15, 1908.

Mrs. Addie Wagon,

Bartlesville, Indian Territory.

Madam:

You are requested to appear before the Commission at its office in Muskogee, Indian Territory, on June 30, 1908, and introduce such testimony as will establish your marriage to your former husband, Joseph Wagon. It is suggested that if possible you should have present on that day the witnesses who were in attendance at your marriage, namely; J. W. Bennett, Newte Davis, Hulah Bennett and Geo. W. Ringo. If you can not secure the presence of all of them, two will suffice.

You are reminded that this proof is very important in the disposition of your case, and your attention to it on the day hereinbefore named is requested.

Yours truly,

Commissioner in Charge.

Register

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R BRECKINRIDGE.

ALLISON L AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-588.

Muskogee, Indian Territory, December 3, 1902.

Addie Laver,

Bartlesville, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with the Commission's decision, dated December 1, 1902, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. E-58.
Register.

Cherokee D-558.

Muskogee, Indian Territory, December 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Addie Lever for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 1, 1902, rejecting said application.

Respectfully,

Through the Commissioner of Indian Affairs.

Acting Chairman.

Enc. H-54.

Cherokee D-558.

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Addie Lever for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. E-83.

COPY

Cherokee D 558.

Muskogee, Indian Territory, May 11, 1905.

Addie Lowen,

Bartlesville, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of May 5, 1905, relative to your enrollment as a citizen by intermarriage of the Cherokee Nation.

In reply you are advised that this case is being held up awaiting the decision of the Court of Claims as to the rights of applicants for enrollment as citizens by intermarriage of the Cherokee Nation, where the case is now pending.

Respectfully,

Tams Bixby
Chairman.

Cherokee D-1558.

Muskogee, Indian Territory, February 1, 1906.

W. W. Wright,

Corcoran Building,

Washington, D. C.

Dear Sir:

This office is in receipt of your letter of January 27, stating that you have been employed by Mrs. Addie Lowen of Bartlesville, Indian Territory, to represent her in the matter of her application for enrollment as a citizen by intermarriage of the Cherokee Nation, (Cherokee D-1558), and asking to be entered as attorney of record for her and to be advised of any further action taken in her case.

In reply you are advised that your client has been identified upon the records of this office as an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation under the name of Addie Vagon. You have been entered as attorney for her and will be advised of any further action taken in her case.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D-558

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 25, 1907.

Addie Lewer,

Bartlesville, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 14, 1907.

Respectfully,

Commissioner.

JMH

Cherokee D-558

Muskogee, Indian Territory, January 25, 1907.

W. W. Wright,
Attorney for Addie Lawer,
Washington Loan & Trust Building,
Washington, D. C.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Addie Lawer for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 14, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-10
JMH

Commissioner.

Cherokee D-558

Muskogee, Indian Territory, January 25, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Addie Laver for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 14, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-11
JMH

Commissioner.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 25090-1906.
D.C. 3566-1907.

January 14, 1907.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 10, 1906 (Land 72595-1902), the Indian Office transmitted the record in the matter of the application for the enrollment of Addie Laver as an intermaried citizen of the Cherokee Nation, and recommended that the decision of the Commission to the Five Civilized Tribes dated December 1, 1902, adverse to the applicant, be approved.

The applicant is a white woman who married Joe Wagon, a Cherokee citizen of Delaware blood, in November, 1893, who died in 1899. In 1901 the applicant was again married to Noah Laver, a white man.

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., the decision of the Commission to the Five Civilized Tribes, adverse to the applicant, is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan.

First Assistant Secretary.

Through the Commissioner of Indian Affairs.
4 inclosures to Ind. Off.

Cher R 1121

Trans from Cher D 560

Cher R 1121

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF INDIAN AFFAIRS
FILED
OCT 21 1908

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 10 1900 1900.

Name William S. Edwards. Collinsville I.T.

District COOWEESCOOWEE. Year 1896 Page 303 No. 336

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Cher Date of marriage 1896

License [illegible] Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Dist	Year	Page	No	Age
Dist	Year	Page	No	Age
Dist	Year	Page	No	Age
Dist	Year	Page	No	Age
Dist	Year	Page	No	Age
Dist	Year	Page	No	Age
Dist	Year	Page	No	Age
Dist	Year	Page	No	Age
Dist	Year	Page	No	Age
Dist	Year	Page	No	Age

Marriage license to be supplied

May 5 1887. Issued marriage license to W.S.Edwards a citizen of the United States to marry Mrs.Dee. Phillips a citizen of the Cher. Nation.

Petition signed by H.C.Goodman, Eddie J.Goodman, Mary Bushy, Cinthia Bushy, Stephen Bullett, Joseph Halfmoon, Rosa Lucas, Nancy Halfmoon, Cal Jackson, Jno.Bill, Jno.Jackson, Mrs.Jackson, Mrs.Jno.Bill, Miss Frenchman, Lizzie Fall-leaf and Ann Brown.

Recorded on the 4th day of June 1887.

W.V.Carey,

Clk. C.D. C.N.

Executive Office Cherokee Nation,

Tahlequah Ind.Ter.

I, B.W.Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Cowweescoowee District Cherokee Nation now filed in this Office and in my custody; and all said record shows in refference to said marriage.

Given under my hand and the seal of the Cherokee Nation this the 18th day of March 1901.

Assistant Executive secretary,
Cherokee Nation.

J. E. CAMPBELL,

GENERAL MERCHANDISE and
LIVE STOCK.....

AL-LU-WE, IND. TER., April 9th 1901

To The Hon Dawes Commission
Muskogee I.T.

Gentlemen.

I hereby certify that during the latter part of the month of May 1887, at which time I was Dept Clerk of Cooweescoowee District Cherokee Nation with authority to perform the marriage ceremony, I united in marriage W.S. Edwards a citizen of the United States and Mrs Lucy Phillips a native Cherokee

That to my knowledge the said W.S. Edwards had complied with the laws of the Cherokee Nation regarding intermarriage with white men

Respectfully

J. E. Campbell

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
BARTLESVILLE, I.T. OCTOBER 10th, 1900.

IN THE MATTER OF THE APPLICATION OF William S. Edwards for the enrollment of himself, his wife and child ~~xxx~~ as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your name? A William S. Edwards.
Q How old are you? A Fifty nine.
Q What is your Postoffice? A Collinsville.
Q In what district do you live? A Cooweescoowee.
Q Do you apply for yourself and family for enrollment? A Yes sir.
Q Wife? A Yes sir .
Q How many children? A One.
Q Are you a Cherokee by blood? A No sir; by marriage.
Q Is your wife a Cherokee? A Yes sir.
Q When were you married? A April, 1886.
Q To whom were you married? A Susan M. Phillips, the widow of Doctor Phillips.
What is the name of her father? A Cornwell: I do not know his geven name.
Q He is dead, is he? A Yes sir.
Give me the name of her mother? A Mary Lenan now.
She is living? A Yes sir.
Was your wifes husband, Phillips dead when you married her?
A Yes sir.
Had she ever been married before? A No sir.
Were you ever married except to your present wife? A Yes sir.
Was your former wife dead when you married your wife?
A Yes sir.
You were married twice previous to your present marriage?
A Yes sir.
Q Both of your former wives were dead when you married your present wife? A Yes sir.
Have you, and your wife lived in the Cherokee Nation since you were married in 1886? A Yes sir., except a part of the time in Caney, schooling the children.
How old is your wife? A Thirty eight I believe.
Was she a Phillips on the roll of 1880? I think so.
Is she A native by the Cherokee Nation? A Yes sir.
Has she lived here all her life? A Yes sir.
Except a little time you were in Caney? A Yes sir.
When did you go to Caney? A Six years ago.
How long did you stay there? A Two first time years, A year, [illegible] to the latter event, and moved back to Caney, where [illegible] remained, and stayed a year, and came back, and then went to the [illegible] time, and have moved here.
Did you ever vote up there? A I did in a school election?
What is that? A Railroad bonds.
Did you vote in any state matter except that relating to A No sir.
Never voted for any candidate for office? A No sir.
Did you ever vote at the Cherokee Nation? A No sir, except that time.
Did you have any interests [illegible] the Cherokee Nation [illegible] time? A No sir.
[illegible] sir.
How far were you from the [illegible] A About three quarters of a mile.
What is your business? A Farming.
Are you a [illegible] sir.
Are you married? A Yes sir.
Was your wife [illegible] Nation? A Yes sir.

Q Give me the name of your child? A Etta Phillips.
Q How old is she? A Eighteen.
Q She is living now, is she? A Yes sir.
Q Were you married to your wife in accordance with Cherokee law?
A Yes sir?
Q You got a Cherokee license, did you? A Yes sir.

(1880 Roll, Page 155, #2204, Susie Phillipps, Cooweescoowee Dst)
(1896 Roll, Page 153, #1609, Susie Edwards, Cooweescoowee D(st)
(1896 Roll, Page 203, #338, William S. Edwards, Cooweescoowee District)
(1896 Roll, Page 231, #3734, Ettie Phillips, Cooweescoowee Dst)

Q She is your step daughter? A Yes sir.
Q Which is right, Ettie, or Etta? A Etta I always spelled it.
Q Is she married? A No sir.

The applicant applies for the enrollment of himself, his wife and one step child. His wife is identified on the rolls of 1880 and 1896, as a native Cherokee: She has lived in the Cherokee Nation all her life, and will be listed now for enrollment as a Cherokee by blood.

His step child, Etta Phillips is identified on the roll of 1896: She is the child of his wife by a former husband: She is living at this time, and will be listed for enrollment at this time as a Cherokee by blood.

The applicant states that he was married to his wife in 1886, in accordance with Cherokee law, but he is not able to produce a marriage license or certificate at this time. His application for his own enrollment will be placed upon a doubtful card, to await the production of his Cherokee license and certificate.

He states that he has lived with his wife in the Cherokee Nation ever since their marriage, and he is identified as the wife of himself with her on the roll of 1896.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 19th day of October, 1906.

Commissioner.

"R"

D 560

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of William S. Edwards for the enrollment of himself as a citizen of the Cherokee Nation:

Appearances:
N. A. Gibson, Muskogee, I. T., for applicant;
W. W. Hastings, for the Cherokee Nation.

The Commission: The applicant was notified by registered letter on February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 1st day of March, 1902, is present in person and by his attorney N. A. Gibson, of Muskogee, Indian Territory.

Mr. Gibson: The applicant offers in support of his petition for enrollment, a certified copy of the records of the Cherokee Court for Cooweescoowee District of the Cherokee Nation, showing the issuance of a marriage license to him to marry Mrs. Doc Phillips, a citizen of the Cherokee Nation, who is his present wife; and also a certificate from J. E. Campbell, dated April 9, 1901, showing that he as Clerk of Cooweescoowee District, performed the marriage ceremony between the petitioner William S. Edwards and Mrs. Doctor Phillips during the months of May, 1898, in accordance with the laws of the Cherokee Nation

The Commission: Said documents have been made a part of the record in this case.

The Commission: The attorney for the applicant and the representative of the Cherokee Nation present, submit this case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February March 1, 1902

Commissioner.

Cher D 560

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of WILLIAM S. EDWARDS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

WILLIAM S. EDWARDS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A William S. Edwards.
Q What is your age at this time ? A Sixty two.
Q What is your post office ? A Collinsville.
Q Are you the same William S. Edwards that applied to the Commission for enrollment as an intermarried citizen of the Cherokee Nation in October, 1900 ? A Yes sir.
Q What is your wife's name ? A Susan M.
Q Is she living ? A Yes sir.
Q Is she a Cherokee by blood ? A Yes sir.
Q When were you married to your wife Susan M ?
A In the spring of 1886.
Q Were you married under a Cherokee license ? A Yes sir.
Q Have you filed that license with the Commission ?
A Yes sir.
Q Had you ever been married prior to your marriage to your wife Susan M ? A Yes sir.
Q How many times had you been married before ? A Twice.
Q She is your third wife ? A Yes sir.
Q What was the name of the first wife ? A Polly Sodden.
Q Was she dead when you married again ? A Yes sir.
Q What was the name of the second wife ? A Angie Hackard
Q Was she a white woman or a Cherokee ? A A white woman.
Q Was she living or dead when you married Susan M ?
A She was dead.
Q Had Susan M. ever been married prior to her marriage to you ?
A Yes sir.
Q How many times ? A Once
Q Was her husband a Cherokee or a white man ?
A He was a white man.
Q Was he living or dead when you married her ?
A He was dead
Q You are Susan M's second husband ? A Yes sir.
Q What was the name of her first husband ? A Mr. Phillips.
Q Have you and your wife Susan M., been living together continuously from the time you were married up to the present time ?
A Yes sir. All but two months.
Q Were you separated for two months ? A Yes sir.
Q When was that Mr. Edwards ? A About five years ago
Q After a separation of two months did you go to live together again as man and wife ? A Yes sir.
Q From that time on you have lived together as man and wife ?
A Yes sir.
Q Were you living together as man and wife on September 1, 1902 ?
A Yes sir.
Q You never have been married to any other woman since your marriage to Susan M ? A No sir.
Q How long have you lived in the Cherokee Nation ?
A Sixteen years
Q All the time for the last sixteen years ?
A All except two years I went to Coffeyville to school my children.
Q What years was that ? A Six or seven years ago.

Q Do you remember what year it was you first went to Coffeyville ? A It was in 1894; 1893 and 1894. Or 1894 and 1895.
Q Since then you have never been out of the Territory ?
A No sir.
Q To live ? A No sir. I only lived partly up there then.
Q You were just there during the fall and winter months to school the children ? A Yes sir.
Q Did you return to the Nation in the summer and take up your residence ? A Yes sir.
Q You have never been out since ? A No sir.

E. E. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 21, 1902.

Notary Public.

Cherokee D-560.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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In the matter of the application of William S. Edwards for enrollment as a citizen by intermarriage of the Cherokee Nation.
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D E C I S I O N.

--:o:--

The record in this case shows that on October 10, 1900, William S. Edwards appeared before the Commission at Bartlesville, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1902, and on October 13, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said William S. Edwards was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, in May, 1887, to one Mrs. Doctor Phillips, a citizen by blood of the Cherokee Nation. The said William S. Edwards is identified on the Cherokee Census Roll of 1896 and has resided with his said wife in the Cherokee Nation continuously since 1886 up to and including September 1, 1902, with the exception of a part of three school years, when he was absent in Caney, Kansas.

It is, therefore, the opinion of this Commission that William S. Edwards should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this

State of Kansas)
) S.S.
Montgomery Co.,)

I , E.F.Pocock, City Clerk of the City of Caney, Kansas, do hereby certify that W.S.Edwards voted at the City Election held in Caney, Kans. on the 19" day of July, 1898, (being sworn).

I further certify that I am the City Clerk of the City of Caney, in the County of Montgomery, State of Kansas and am custodian of the records of said City.

Given unter my hand this 20" day of November, 1902.

E. F. Pocock.
City Clerk.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 2nd 1902.

In the matter of the application of William S Edwards for enrollment as a citizen of the Cherokee Nation by intermarriage.

Cherokee D 560.

Motion to Re-open case.

Comes now the Cherokee Nation and moves the Commission to set aside the judgment heretofore rendered by the Commission in the case of William S. Edwards an applicant for enrollment as a citizen of the Cherokee Nation by intermarriage and that the case be reopened and set down for a further hearing in order that the Cherokee nation may be afforded an opportunity of introducing further testimony as to the residence of the applicant in the state of Kansas.

The Cherokee Nation expects to prove by the records of the election held in Caney, Kansas in the year 1898 that the said William S. Edwards exercised the right of suffrage in the state of Kansas in the year 1898.

The Cherokee Nation [redacted] expects to prove by Sidney E. Bell, Edward Frenchman and other witnesses that the said William S Edwards was a resident of the state of Kansas and a citizen thereof on the 28th day of June 1898 and that he had not therefore removed to and in good faith settled in the Cherokee nation prior to the passage of the Curtis Bill but had in fact taken up his residence in the state of Kansas prior there to where he exercised the right of suffrage and was to all intents and purposes a citizen of the state of Kansas in the year 1898.

This motion is not made for the purpose of delay but in order that justice might be done.

respectfully submitted,

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT CASE NUMBER D- 560.

In the matter of the application of)
)
William S. Edwards, for the enrollment)
)MOTION TO RE-OPEN CAUSE.
of himself as a citizen by intermarriage)
)
of the Cherokee Nation.)

STATEMENT OF RECORDS.

The record in this case shows that on October 10, 1900, at Bartlesville, Indian Territory, William S. Edwards appeared before the Commission to the Five Civilized Tribes and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 1, 1902 and October 13, 1902.

On November 20, 1902, the Commission rendered a decision, granting the application of the said William S. Edwards, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

On December 2, 1902, the Cherokee Nation by its representative filed a motion to re-open cause, alleging that he expected to prove by Sydney E. Bell, Edward Frenchman and other witnesses, that the said William S. Edwards was a resident of the State of Kansas and a citizen thereof on June 28, 1898, and that he had not removed to and in good faith settled in the Cherokee Nation prior to that time. He further alleges that he expects to prove by the records of the election held at Caney, Kansas, in 1898, that the said William S. Edwards exercised the right of suffrage in the said state in the year 1898.

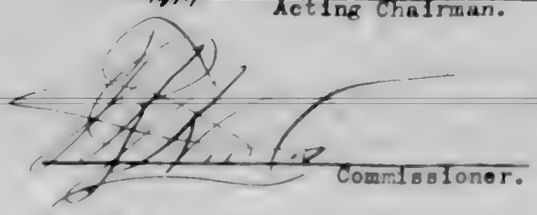
ORDER.

It is, therefore ordered by the Commission that the motion to re-open this cause be, and the same is hereby allowed, and that the decision of the Commission heretofore rendered be set aside and held for naught.

It is further ordered that this cause be set down for further hearing on the 6th day of January, 1903, at the office of the Commission at Vinita, Indian Territory.



Acting Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this 15 day of December, 1902.

Cher
D 560

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., January 6, 1903.

In the matter of the application of WILLIAM S. EDWARDS, for the enrollment of himself as a citizen by intermarriage, of the Cherokee Nation:

Appearances:
James S. Davenport, of Vinita, for applicant
J. C. Starr, for the Cherokee Nation.

S. E. BELL, being duly sworn and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A S. E. Bell.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q How old are you ? A I am forty.
Q What is your post office address ? A Caney, Kansas.

Examined by J. C. Starr:

Q Are you acquainted with William S. Edwards, the applicant ?
A Yes sir.
Q How long have you known him ? A About seven years.
Q When did you first become acquainted with him ?
A It was 1895 I think, the latter part of 1895 I believe.
Q Where was Mr. Edwards living when you first knew him ?
A Well, when I first got acquainted with him I was just up in that country looking around, I don't know whether he was living in Caney at that time or not, that was in the summer of 1895.
Q When did you move to Caney ? A I moved to Caney, in December, 1895.
Q Was Mr. Edwards living in Caney then ? A I think he was.
Q How long did he continue to live there ?
A Well, I can't say as to that, I think he moved back the next fall, or possibly in the summer, I aint sure.
Q Do you know of his living in Caney any more after that ?
A Yes sir, I think he moved back once or twice and stayed a little while, then he would go back on the farm.
Q Do you know of his voting in Caney ? A Why I don't know, I understood that he voted there in the bond election.

Examined by Mr. Davenport:

Q Do you know anything about how long he lived there at any time when he was there in Caney ? A No sir, I can't say.
Q Do you know where his property was, where he was working at that time ? A Yes sir I understood—I think most of the time he was in the Territory.
Q When you speak of his moving, where did he go to ?
A He went about seven or eight miles south into the Territory
Q In the Cherokee Nation ? A Yes sir.
Q You don't know how long he stayed in Caney ?
A No sir, I can't say.
Q You don't know whether he had any household effects when he lived up there, do you ? A I can't say as to that.
Q All you know about it is that he lived up there sometime, and then moved back ? A Yes sir, I know he moved back and forth two or three years.
Q How long has it been since he lived in Caney ?

A I can't say, I think it must have been 1900, possibly 1899; well I don't know aboutnthat either, I can't say. I would judge, however, either one.
Q Do you know whether he lived in Caney or in Collinsville ?
A Well, he was one of the early settlers.

Examined by the Commission:

Q How much of the time from 1895 to 1899 did he live there ?
A I can't say; he was living there the year I went there in the fall of 1895; I don't know when he moved back.
Q Was his family there with him ? A Yes sir.
Q How far is Caney from the Cherokee line ? A Just a half mile.
Q Did Mr. Edwards have any business up in Caney ? A No sir.
Q Do you know of your own knowledge why he lived there ?
A Why I think it was for the benefit of the schools, there was no schools down there in the Territory.
Q Does he have a farm in the Cherokee Nation ? A Yes sir.
Q Does he own a house up in Caney ? A I think he owned a piece of property there.

Examined by J. C. Starr:

Q Did they have free schools in Caney ? A Yes sir.
Q Who did they allow to attend these schools ?
A Anybody that lives within schooling distance.
Q Does a person have to be a resident of Kansas to attend these schools ? A No sir, they sent them from across the line.

Examined by the Commission:

Q You are living up there to send your children to school ?
A Yes sir.

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ED FRANKLIN, being first duly sworn, and examined, testified as follows:

Examined by the Commission

Q What is your name ? A Ed Franklin.
Q How old are you ? A Thirty two.
Q What is your post office address ? A Caney, Kansas.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.

Examined by J. C. Starr

Q Do you know William S. Edwards, the applicant ? A Yes sir
Q How long have you known him ? A Well, I can't say just exactly, but it is eight or nine years I expect.
Q Do you know of his living in Caney, Kansas ?
A Well, I can't say for sure whether he was or not, but I have seen him there quite often. I can't say whether he was living in Caney at the time.
Q Did you ever stay all night at his house in Caney, Kansas ?
A Yes sir.
Q He was living there then wasn't he ? A Yes sir
Q When was that ? A I can't say for sure, but I think it was sometime along in June, 1898.
Q About the time the Curtis Bill passed ? A I think so, somewhere along there.

Examined by James S. Davenport:

Q Do you know where he has been living since you have known him; has he been living in Caney all the time, or not ?
A No, not all the time.
Q Do you know where his farm is ? A Yes sir.
Q Where is it ? A Why it is about eight or nine miles from Caney, south.
Q In what country ? A In the Cherokee Nation.
Q Do you know whether he worked it, had it cultivated each year ?
A No, I can't say that. All I know is that he owned these farms. I can't say whether he had it farmed or farmed it himself.
Q Do you know whether he looked after it during the farming season ? A No sir, I can't say.
Q Do you know anything about how long he continued to reside in Caney when you were there to stay all night ?
A No sir, I can't say.
Q Do you know whether he moved all his household goods up there, or was just there temporarily ? A No sir, I don't.
Q You don't know anything except you were there at that time ?
A No sir.

Examined by the Commission:

Q What was he doing up in Caney, Kansas ? A I can't say.
Q All you know about it is you stayed there one night when he was in Caney ? A Yes sir.
Q Don't know whether he stayed there a year or a month ?
A I can't say.

--The Cherokee Nation offers in evidence, a certificate of the City Clerk, of Caney, Kansas, showing that the ~~applicating~~ applicant voted in Caney, Kansas, in the year 1898.

WILLIAM S. EDWARDS, being duly sworn, and examined, testified as follows:

Examined by the Commission:

Q Your name is William S. Edwards ? A Yes sir.
Q You are a white man ? A Yes sir.
Q You are an applicant to be enrolled as a citizen by intermarriage ? A Yes sir.
Q What is the name of your wife ? A Susan M. Edwards.
Q What was her maiden name ? A Susan M. Phillips, when I married her, she had been married before.
Q Is she a Cherokee by blood ? A Yes sir.
Q When were you married to her ? A Well you have got me now, I forget the year.
Q Did you prove up your marriage when you made application ?
A Yes sir.
Q Filed your marriage license and certificate ? A Yes sir.
Q Was that your first wife ? A No sir, she was my third wife.
Q Your first Cherokee wife ? A Yes sir.
Q You two former wives were dead ? A Yes sir.
Q Had she ever been married before she married you ?
A Yes sir.
Q How many times ? A Once.
Q Was her former husband dead when you married her ?
A Yes sir.
Q Have you lived together ever since you were married ? A Yes sir.

Q Never separated ? A We separated for about two months.
Q How long ago ? A Four years ago.
Q Have you been living together ever since ? A Yes sir.
Q You were living together on the first day of last September ?
A Yes sir.
Q Where have you been living since you were married ?
A Living in the Cherokee Nation except in the winter months. We send the children to school. I kept my stock, and all, and stayed part of the time on the farm, and part of the time in Caney.
Q Where is your farm ? A About eight miles south of Caney.
Q How long ago was that ? A About seven years.
Q When did you move up to Caney ? A In the fall of 1895.
Q How many children did you have then ? A ~~Nixx~~ Two.
Q How old were they ? A They were about eight or nine years old.
Q Had they gone to school any before that in the Cherokee Nation ?
A Yes sir, they had, before that.
Q Why did you go to Caney ? A Well, I went to Tahlequah to get a national school established, and built a school house, and we couldn't keep the average Cherokee scholars the Cherokee law required, and they took it away from us; then we had no school close to go to.
Q When was that ? A In 1894 and '95. I think it was in 1896 that I moved to Caney, it might have been 1895.
Q How long did you live in Caney ? A Just lived there during that winter season, and then come back to the farm.
Q Did you own property up there ? A Yes sir, I did.
Q Bought a house ? A Yes sir, bought a house and some lots.
Q When you moved up there did you take your household furniture with you ? A Part of it.
Q What did you do with the rest ? A Left it on the farm.
Q What did you do with the farm ? A Put my son-in-law on it.
Q Rented it to him ? A No sir.
Q He rented it for you ? A Yes sir.
Q How many years did you continue to do that ? A Four years.
Q How many years did you continue to do that ? A To about 1899.
Q That would take you up to about 1900 ? A One is eighteen and one is twenty.
Q How old are the girls now ? A You gave them all the schooling they are going to get ?
A Yes sir.
Q How many terms did they attend school at Caney ?
A About six years, I boarded them two years though. We only lived there about four years, that is four school terms.
Q Did you have any business up there ? A Not a particle.
Q Have you any interests at all in Kansas ?
A Nothing except that property.
Q What did you buy that property for ? A To live in.
Q That's all ? A Yes sir, I sold it soon as—

Examined by Mr. Davenport

Q What about voting ? A Well sir, I will tell you all about that.
Q You did vote there ? A Yes sir
Q What year was that ? A That was four years ago I guess—
Q The bond election ? A The bond election, railroad bonds.
Q How did you come to vote at that election ? Did you think you had a right ? A I was paying taxes
Q Paying on what ? A My real property
Q Pay any poll tax ? A No sir.
Q Did you ever sit on a jury up there in Kansas ? A No sir
Q You didn't consider Kansas your home at all ? A No sir

Q But you were informed that you had a right to vote because you paid taxes ? A Yes sir.
Q Did you ever vote in the Cherokee Nation during these years ?
A Yes sir.
Q Ever challenged ? A No sir.

Examined by J. C. Starr:

Q When you voted in this bond election, were you sworn ?
A Yes sir.
Q What was the nature of the oath ? A They asked me if I considered Caney my residence, and if I was a tax payer. I told them my family was living there, and had been for the last six months past; I was there sometimes, and sometimes on the farm, and that I was a tax payer.
Q You considered you had a right to vote ? A They decided that. They decided that wherexx my washing was done I could vote.
Q Who ? A The judges. I told them I was down in the Territory the most of the time., my family was living here. They asked me the question where my washing was done, and I said it was done down here.
Q Did you and your wife separate while you were living in Caney ?
A Yes sir.
Q Did you sue her for divorce in the court at Independence, Kansas ? A Yes sir.

Examined by the Commission:

Q As a citizen of Kansas ? A Yes sir.
Q Was the suit tried ? A No sir. They threw it out for want of jurisdiction.
Q How did you come to be sworn at the election, was your vote challanged ? A Yes sir.
Q You insisted on voting ? A Yes sir, the attorneys all said I had a right to vote because I was a tax payer.
Q That is the only election you ever voted at ? A Yes sir, only just that bond election.
Q You say the suit was dismissed for want of jurisdiction ?
A Yes sir. They said I wasn't a resident of the State of Kansas, and threw the suit out.
Q Did you resist that at all ? A No sir, I told my lawyer when he brought the suit that was the proper place to bring it, that I thought it ought to be brought in the Cherokee Nation.
Q You have lived in the Cherokee Nation ever since 1899, have you ?
A Yes sir.
Q You attended to your farm all the time you were living up in Caney ? A Yes sir

Examined by Mr. Davenport:

Q While you were living up there, Mr. Edwards, how often were you back and forth to the farm ? A Every day unless I had business off somewhere
Q Then you looked after your stock regularly ?
A Yes sir, I done all the herding I done all my own herding.

Examined by the Commission:

Q How far is Caney from the Cherokee line ?
A About a half a mile

[redacted] that the statements of the foregoing [redacted] are true of his own knowledge, except as to the matters therein stated on information and belief, and as to those matters he believes it to be true. Said [redacted] was taken by James D. Hart, stenographer, and by him reduced to writing.

[redacted]

Subscribed and sworn to before me this February 6, 1908.

Samuel Foreman

Notary Public.

Cher
D-560

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., January 10, 1903.

In the matter of the application of WILLIAM S. EDWARDS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation ?

Appearances:
James S. Davenport, of Vinita, I. T., for applicant;
J. C. Starr, for the Cherokee Nation.

Now, on this day, comes J. C. Starr, representative of the Cherokee Nation, and offers to introduce testimony on behalf of the Cherokee Nation. James S. Davenport, attorney for the applicant, waives service on the applicant, and consents that the testimony may be introduced.

JOHN H. COODY, being duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A John H. Coody.
Q How old are you ? A Forty seven years old.
Q What is your post office address ? A Nowata, I. T.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q A Cherokee by blood, are you ? A Yes sir.

Examined by J. C. Starr:

Q Are you acquainted with William S. Edwards, the applicant ?
A Yes sir.
Q How long have you known him ? A I can't say just how long, but a number of years. I have known him some eight or ten years.
Q Where has he been living during the last eight or ten years since you have been knowing him ? A He has been living in Caney, Kansas, for a number of years, been there ever since I have known him.
Q When did you first know him in Caney, Kansas ?
A The first time, I think, was in 1896.
Q Where was he in 1897 ? A Living in Caney.
Q Was he living there in 1898 ? A Yes sir.

Examined by Mr. Davenport

Q Mr. Coody, have you any recollection as to what year it was you first knew of his living in Caney, Kansas ?
A No, he was living there sometime before ever I was at his place.
Q Do you know that of your own knowledge, or of general rumor ?
A I know it of my own knowledge. He married his wife on old Cotton Creek
Q Did you know of his living in the Cherokee Nation before living in Caney ? A He lived below with his wife, she was a Dr. Phillips' wife.
Q Do you know when they were married ? A Sometime in 1890.
Q The next you know of his residence was about 1896 ? A Yes sir
Q How far is Caney from the Cherokee line ?
A Oh, just a short distance, I can't say
Q About half a mile isn't it ? A About half a mile, somewhere like that

Q Did he work his farm in the Cherokee Nation ?
A He done business at both places, he had a farm in Kansas, and had a place in the Cherokee Nation.
Q Do you know of your own knowledge that he owned a farm in Kansas ? A No sir. I wouldn't swear that, because he never told me.
Q Do you know of your own knowledge of his making a farm and improvements in the Cherokee Nation ? A And his wife, yes sir. She had a large place when he married her.
Q Where has he been living within the last three or four years ?
Q Well, I can't say just how long he has lived at Collinsville; I don't know.
Q During the time he lived in Caney, Kansas, do you know whether he had the farm rented, or run it for himself, looked after it ?
A Oh certainly he looked after the farm, he had it rented.
Q Do you know whether he had any cattle that he looked after himself ? A No sir, I don't know that myself; there was cattle there on the place, I don't know whether they were his or the renter's.
Q Do you know whether he went back and forth to the farm and stayed there himself a greater part of the time ? A No, he lived in Caney.
Q I will ask you, if he didn't stay there and look after the stuff ? A No sir.
Q Can you state positively that Mr. Edwards didn't go back weekly ?
A No, I can't say that.
Q In fact you didn't pay any attention; didn't know what time he stayed in the Territory ?
A I know Caney has been his home a good deal.
Q Are you able to state that his family remained there all the year around, or lived part of the time on the farm ?
A To the best of my knowledge they lived continuously at Caney from the time they moved off the farm down on Cotton Creek to Caney. Of course I wasn't up in that country all the time.
Q Did they live on the farm part of the year, and in Caney part of the year ? A Not as I know. Every time I seen them they were in Caney.
Q Will you state to the Commission that they didn't live on the farm part of the year ? A No sir, I won't.
Q You live how far from where their farm was in the Cherokee Nation ? A I expect between twenty and twenty five miles.

Examined by the Commission

Q How often were you at their place in Caney, Kansas ?
A Oh, I wasn't there very often, every time I was in Caney I would go around there. The last time I was there him and his wife had separated. They got together again.
Q That was in 1897 ? A I suppose.
Q The last time you were at his house ? A The last time I was at his house, yes sir.

By Mr. Davenport:

Q He always took part in the elections in the Cherokee Nation ?
A I never knew of him attending an election in my life.
Q You weren't in the Joe Parker precinct around Bartlesville ?
A I never attended elections there. I was there in 1898.

By Mr. Starr:

Q From 1889 up to two years ago Mr. Edwards has been a resident of the State of Kansas ? A To the best of my knowledge he has, yes sir. Since he moved to Collinsville.

By the Commission:

Q You mean living there ? A Yes sir.

By Mr. Davenport:

Q The last time you knew of him living there was in 1897 ?
A No, that's the last time I was at his house. The last time I was at his house they were separated, him and his wife. I can't say whether it was in 1897 or 1898.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state, that the foregoing is an accurate transcript of the stenographic notes of the testimony and proceedings had in the above entitled cause, as the same were reported by Jesse O. Carr, stenographer, and my him read to me.

E. C. Bagwell

Subscribed and sworn to before me this February 10, 1903.

Samuel Lawrence

Notary Public.

AAD.

Department of the Interior,
Commission to the Five Civlized Tribes,
Vinita, Indian Territory, January 27th, 1903.

In the matter of the application of William S. Edwards for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to Cherokee D-560.

Appearances:
James S. Davenport for Applicant.
J. C. Starr for Cherokee Nation.

William Childers, being duly sworn, testified as follows:

Examination by Mr. Davenport.

Q. What is your name? A. William Childers.
Q. Where do you live? A. I live in Cooweescoowee.
Q. What is your post office? A. Tyro.
Q. How long have you lived in Cooweescoowee? A. I only lived there about a year and a half.
Q. Where did you live prior to that? A. Down in Illinois.
Q. Do you know William S. Edwards? A. Yes, sir.
Q. How long have you known him? A. Ever since '97.
Q. Where was he living? A. I was out at his farm about 5 miles south of Tyro.
Q. That was in 1897? A. Yes, sir.
Q. Did you have any dealings with him? A. Iwas up there and bought a place of him.
Q. Did you have any dealings with him after that? A. Yes, I got a letter in '98, before harvest time.
Q. Where was he living at that time? A. He wrote me he was living at Collinsville. He wrote me at Fancy to come down. He wrote me he was living at Collinsville.
Q. You say he was on the farm in 1897. What time of the year were you up there? A. I believe it was in July, the best I remember.
Q. Do you know whether or not he was living there? A. I wasn't there right at his house, me and him were out on the farm. I bought the place from him.
Q. And after that he wrote you to come and collect the rent that he moved to Collinsville? A. I gave him power to rent the place and collect the rent. He wrote me to me before harvest that he moved to Collinsville and I had better come and collect the rent, he didn't have time to attend to it.
Q. Since 1898 do you know where he has lived? A. At Collinsville, I think, all the time. He was there when I heard of him.

Examination by Mr. Starr.

Q. Did you see Mr. Edwards at any time during the year 1898?
A. No, sir, I don't think I did. I came up during harvest and collected the rent. After I collected the rent I went back.

Q. Did you see him at Caney? A. Mr. Edwards was at Collinsville. No, sir.

Q. How many times did you see him in 1897? A. Just the one time.

Q. You don't know where he was living in 1897? A. No, sir; I suppose he was living in the Territory. I asked for him at Caney; they said he was on the farm. I met him on the road and he said he was going to Caney. He said he would be back.

Q. How did you happen to write to Caney? A. That was his post office.

Q. From all you know about it he might have lived there at Caney? A. He wrote me that he wanted to see me; his post office was at Collinsville. He was at work in the coal field.

Q. You don't know where his wife was in 1898? A. No, sir.

The case is continued to January 28th, by agreement of the parties.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ... day of April, 1903.

Notary Public.

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 27th, 1903.

In the matter of the application of William S. Edwards for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to Cherokee D-560.

Appearances:

James S. Davenport for Applicant.
J. C. Starr for Cherokee Nation.

William Childers, being duly sworn, testified as follows:

Examination by Mr. Davenport.

Q. What is your name? A. William Childers.
Q. Where do you live? A. I live in Cooweescoowee.
Q. What is your post office? A. Tyro.
Q. How long have you lived in Cooweescoowee? A. I only lived there about a year and a half.
Q. Where did you live prior to that? A. Down in Illinois.
Q. Do you know William S. Edwards? A. Yes, sir.
Q. How long have you known him? A. Ever since '97.
Q. Where was he living? A. I was out at his farm about 5 miles south of Tyro.
Q. That was in 1897? A. Yes, sir.
Q. Did you have any dealings with him? A. Iwas up there and bought a place of him.
Q. Did you have any dealings with him after that? A. Yes, I got a letter in '98, before harvest time.
Q. Where was he living at that time? A. He wrote me he was living at Collinsville. He wrote me at Caney to come down. He wrote me he was living at Collinsville.
Q. You say he was on the farm in 1897. What time of the year were you up there? A. I believe it was in July, the best I recollect.
Q. Do you know whether or not he was living there? A. I wasn't there right at his house, me and him were out on the farm. I bought the place from him.
Q. And after that he wrote you to come and collect the rent that he moved to Collinsville? A. I gave him power to rent the place and collect the rent. He wrote me to me before harvest that he moved to Collinsville and I had better come and collect the rent, he didn't have time to attend to it.
Q. Since 1898 do you know where he has lived? A. At Collinsville, I think, all the time. He has been there when I heard of him.

Examination by Mr. Starr.

Q. Did you see Mr. Edwards at any time during the year 1898?
A. No, sir, I don't think I did. I came up during harvest and collected the rent. After I collected the rent I went back

Q. Did you see him at Caney? A. Mr. Edwards was at Collinsville. No, sir.

Q. How many times did you see him in 1897? A. Just the one time.

Q. You don't know where he was living in 1897? A. No, sir; I suppose he was living in the Territory. I asked for him at Caney; they said he was on the farm. I met him on the road and he said he was going to Caney. He said he would be back.

Q. How did you happen to write to Caney? A. That was his post office.

Q. From all you knew about it he might have lived there at Caney? A. He wrote me that he wanted to see me; his post office was at Collinsville. He was at work in the coal field.

Q. You don't know where his wife was in 1898? A. No, sir.

The case is continued to January 28th, by agreement of the parties.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this .... day of April, 1903.

Notary Public.

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 28th, 1903.

In the matter of the application of William S. Edwards for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to Cherokee D-560.

Appearances:--

Applicant appears in person and by his attorney, James S. Davenport.
Cherokee Nation appears by J. C. Starr.

++

Myrtle Dancer, being duly sworn, testified as follows:

Examination by Mr. Davenport.

Q. What is your name? A. Myrtle Dancer.
Q. Where do you live? A. Collinsville.
Q. How long have you lived at Collinsville? A. It will be three years ago the 9th of this coming October.
Q. Do you know William S. Edwards? A. Yes, sir.
Q. What relation is he to you? A. Step father.
Q. How long have you known Mr. Edwards? A. About, as near as I can remember---that is a hard question to answer.
Q. Where did you live before going to Collinsville?
A. I lived in the Nation.
Q. At what place? A. On Brushy creek.
Q. Did Mr. Edwards live in the Nation before going to Collinsville? A. Yes, sir, on Cotton creek, on the Phillips place.
Q. Did you ever live in Caney, Kansas? A. Yes, sir.
Q. How long did you live there? A. Well, about 4 years, I should judge. I am not positive about it.
Q. Where did Mr. Edwards live during that time? A. Well, he was in the Nation most of the time.
Q. What was he doing there at that time? A. Well, he was dealing in stock.
Q. What was the cause of your going to Caney, Mrs. Dancer?
A. For school purposes.
Q. Were you married at that time? A. No, sir.
Q. What was your age when you first went to Caney to live?
A. Well, we boarded there two years. I should judge about 13 years old.
Q. After you ceased to board did Mr. Edwards and your mother move there? A. My mother moved there and Mr. Edwards was there part of the time. Most of the time, though, he was in the Nation.
Q. When the school term would end, how about it? A. Well, we would go back to the Nation then.
Q. As I understand it you would go to Caney and live---
A. During the school term.
Q. Then come back to the farm and stay until school again?
A. Yes, sir.

Q. Mr. Edwards and your mother bought a house in Caney?
A. Yes, sir.
Q. Do you know when Mr. Edwards moved to Collinsville?
A. Yes, sir; he moved there--I think it was '97 he moved there. I am not positive about that. I don't remember exactly.
Q. Well, about how long has he been living at Collinsville; about how many years has he been at Collinsville? A. About four years. Probably longer than that.
Q. Is his family up there with him? A. Yes, sir.
Q. When did you quit going to school at Caney, Mrs. Dancer?
A. Six years ago; when I was married.
Q. When did your mother and the other children quit living in Caney for school purposes? A. Well, I don't remember. I think that my sister went to school for more than one term after I did.

Q. While you were going to school during the winter did Mr. Edwards and his wife entirely move away from the home place?
A. No, sir; Mr. Edwards generally kept some one out there to do the work, to help him out.
Q. Well, do you know whether or not he kept stock and things of that kind, and looked after them? A. Oh, yes. He kept most of his stock there. We had a buggy and horse in town.
Q. Now, his household goods, did he keep them on the farm?
A. Yes, sir. I think there is one piece of it there yet.

Examination by Mr. Starr.

Q. When did Mrs. Edwards go to Caney, Kansas, to stay?
A. She went after we had gone to school there two terms. She went there to school us from that on until I was married, during the school months.
Q. Do you remember when you first went there? A. I don't remember exactly the year. I didn't think anything about that but I was about 13 or 14.
Q. After Mrs. Edwards commenced keeping house in Caney did she stay there continuously until she moved back to the Indian Territory? A. No, sir.
Q. How much of her time did she spend there? A. Well, during the school months she wasn't there a great deal. Of course she had to stay there to look after we children.
Q. During the vacation did she close the house and move back to the Territory? A. No, not altogether.
Q. How long did you stay in the Territory then? A. We stayed there until just before school commenced, if I remember right. We had two homes.
Q. You kept up two homes? A Yes, sir, always had something there.
Q. How much of the time did Mr. Edwards spend in Kansas after your mother moved to Caney? A. Well, he just was a comer and goer. He wasn't there much. He was down in the Nation most of the time.
Q. How about on Sundays, where did he stay? A. I don't know. He very seldom came home on Sunday, generally through the week.
Q. Do you know when Mr. Edwards moved with his family into the Cherokee Nation? A. Well, I don't know much about that. I was married when that took placed.

By Mr. Satterfield:
Q. When were you married, Mrs. Dancer? A. In '98.
Q. Where were you living at that time? A. In the Territory. I was married at home on the farm.

BY MR. STARR:

Q. They went to Caney after you were married? A. Well, I don't know.

Q. After that Mrs. Edwards kept house in Caney? A. I don't think she did. I know we had moved on the farm when I was married in '96.

Q. Had your mother moved to Caney before that? A. To school us girls?

Q. Yes. A. Yes, sir.

Q. How long did you live in Caney altogether? A. ,I don't hardly know. I wouldn't be positive about that.

Q. About how long? A. I don't remember just how long it was. I was just a little girl when we went there for schooling purposes.

BY MR. DAVENPORT:

Q. Just give us an idea of how many years you went to school there, Mrs. Dancer? A. About 6 years, I think.

Annie Phillips, being duly sworn, testified as follows:

Examination by Mr. Davenport.

Q. What is your name? A. Annie Phillips.

Q. Where are you living now? A. Collinsville.

Q. Do you know Mr. Edwards? A. Yes, sir.

Q. You are the same relation as Mrs. Dancer? A. Yes, sir.

Q. How olng have you been living at Collinsville? A. Since the town started.

Q. How long has that been? A. Growing on 4 years.

Q. Where was Mr. Edwards living prior to the time he moved to Collinsville, if you know? A. You mean just before?

Q. Yes. A. We were living in Caney just before we went to Collinsville.

Q. Well, who. You, your mother and Mr. Edwards? A. We were living there at Caney and on the farm.

Q. Where did Mr. Edwards live? A. Mostly on the farm.

Q. When you moved to Caney did you live there continuously?

A. No, sir. We were at the farm in the summer to see that things went all right on the farm. We went to school during the winter months.

Q. Where did Mr. Edwards work? A. Well, he didn't work. He was at the farm most of the time. He would come and stay perhaps a day or two, most of the time he was on the farm.

Q. You mean looked after the place out there? A. Yes, sir.

Q. During the stay in Caney what did he have by the way of stock? A. He was dealing in stock, he had most every kind.

Q. Who looked after it? A. The hired men.

Q. What did he do? A. Well, he looked after the hired men and they did the work.

Q. Where was he staying? A. On the farm.

Q. When did your mother first begin going to Caney? A. Well, we boarded the first term, when I was 11 years old, and it has been about 7 years since we first went to Caney.

Q. Now, have you resided in Collinsville continuously since the town started up and Mr. Edwards moved down there? A. Yes, sir.

Q. Do you know where Mr. Edwards lived in 1900? A. Yes, sir.

Q. Where was he living? A. We all lived on the farm on Cotton creek.

Q. Do you know whether or not that is the year he moved to

Collinsville? A. I think it was.

Examination by Mr. Starr:

Q. What time of year 1898 did you move back on the farm?
A. I don't remember.
Q. Do you remember the occasion of the bond election up in Caney? A. No, sir; I never paid any attention to any bond election.
Q. When your mother lived in Caney how much of the time would Mr. Edwards spend there? A. As I said, he was on the farm most of the time but he came up to see how we all were and my mother was there most of the time with we children.
Q. Was your mother most of the time in Caney? A. She would go to the farm part of the time; most of the time she was in Caney.
Q. How about Mr. Edwards. ~~Mr~~ A. ~~He was on the farm.~~ He would just come up to see how we were.
Q. Where did he stay when he was in the Nation? A. There on the home place.
Q. About how often during the month would he come to Caney?
A. Well, once or twice a week. May be more. May be not so much. I don't remember just how many times a week he would come.
Q. You kept house in Caney during this time that your mother lived there? A. Yes, sir.

Examination by Mr. Davenport.

Q. How far was it from Caney to the home farm?
A. I would judge about eight miles, just about an hours drive.

The parties having no further evidence to offer, the case is closed and the proofs will be submitted to the Commission for final consideration.

Jesse D. Carr, on oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of April, 1903.

[illegible]
Notary Public.

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
J. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902

Mr. William S. Edwards,
Collinsville, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on

1st day of March, 1902

On said date you may if you desire appear before the Commission in person or by attorney, where an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Commissioner to the Cherokee Nation will then, at the same time, receive any objections to enrollment heretofore filed by any citizen of said Nation.

Clerk in Charge of
Enrollment.

Commissioner in Charge.

Cherokee D-560.

Muskogee, Indian Territory, December 16, 1902.

William S. Edwards,

Collinsville, Indian Territory.

Dear Sir:-

Enclosed herewith please find copy of the order of the Commission granting a motion of the Cherokee Nation made December 2, 1902, to re-open your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation for the purpose of affording said Cherokee Nation an opportunity to introduce further testimony as to your residence on June 28, 1898 and prior thereto.

You are advised that this case has been set down for further hearing at the office of the Commission at Vinita, Indian Territory, on the sixth day of January, 1903.

Respectfully,

Acting Chairman.

Enrl. D-560.

Cherokee D-560.

Muskogee, Indian Territory, December 16, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

There is transmitted herewith order of the Commission, dated December 15, 1902, re-opening the case of William S. Edwards, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, in order that you may be afforded an opportunity to introduce further testimony as to the residence of said William S. Edwards in the State of Kansas on June 28, 1898 and prior thereto.

You are hereby advised that this case has been set down for further hearing at the office of the Commission at Vinita, Indian Territory, on the sixth day of January, 1903.

Respectfully,

Acting Chairman.

Encl. P-144.

INDEXED

Cherokee Land Office,
Tahlequah, I. T.,
March, 1903.

Transcript record in matter of application No. [illegible], for [illegible].

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-560.

Tahlequah, Indian Territory, May 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application of William S. Edwards for enrollment as a citizen of the Cherokee Nation, Cherokee D-560, the record is now deemed complete, and the same is herewith transmitted for decision.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge
Cherokee Land Office.

Encl. Rec'd.

Cherokee No.
D. 360

Muskogee, Indian Territory, January 10, 1907.

William S. Edwards,

Collinsville, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

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[illegible]	7184
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Stephen Duncan	9892
Gideon D Sleeper	9895
William A Maddin	9896
John H Horton	9904
Howe L Rogers	9905
William Rush	9913
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Bessie Davis	10133
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Charles F Williams	10152
Sadie Williams	10153
George L Powell	10154
Minnie Hicks	10155
Lee Williams Mrs	10156
Ann Hughes	10157
Lloyd Lee	10158
James Myers	10159
Jessie Morris	10160
Robert Evans	10161
Elizabeth L Carpenter	10162
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Mary Ellis	10164
Samuel A Carnes	10165
Sarah Hicks	10166
Ella E Taylor	10167
Theodore H Carnes	10168
Samuel Carnes	10169
Ann L Faulkner	10170
Isabella M Jones	10171
Ella Washington	10172

Nannie Martin		10210
Sarah A Fields		10214
Susie Henderson		10216
Charles H Ruenhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Tauberlake		10226
George A Brown		10228
Drucilla Lowrey		10232
Alberta Moose	D	9
Tenata Prather	D	16
Andrew M Coster	D	17
Maria L Stokes	D	28
Peter Williams	D	44
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Manuel Spencer	D	884
Benjamin H Hulbert	D	891
Mary Brassfield	D	935
James L Tindle	D	944
Silas G Reneckar	D	966
Eliza Wofford	D	967
Jasper L Newton	D	971
John N Gimm	D	974
Hannah Parson	D	989
Nellie C Helterbrand	D	1003
Thomas J Welch Jr	D	1006
Lizzie Christian	D	1040
George Hazlewood	D	1043
James M Jones	D	1022
Reuben A Evans	D	1052
Carrie H Cobb	D	1049
John M Bratt	D	1060
Sarah E Hetzel	D	1087
Leota D Hetzel	D	1086
Hattie F Dewey	D	1090
Benjamin F Crow	D	1100
Benjamin Strickland		
Nancy Stanley		
Alvin Wilson		
Geo H Wilson		
Benjamin W Wilson		
Tony Clark		
Jesse Hughes		
Augustus C Lee		
Martha Lee		
Christian		
Christopher Sandusky		
Isaac Sandusky		
Isaac A Sandusky		
Joel A Sandusky		
Benjamin B Sandusky		
Augustus Sandusky		
Thomas Sandusky		
Jesse Sandusky		
Elijah Sandusky		
Thomas B Sandusky		
Alfred Sandusky		
Christopher Sandusky		
Isaac Sandusky		

Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G Mill	D	1337
Alfred H Wood	D	1342
Cynthia Whitehead	D	1352
Susie McSpadden	D	1361
Martha J Hensley	D	1363
Samuel M Collier	D	1367
Kate Payne	D	1369
Leroy H Watson	D	1375
Mattie Myers	D	1431
S F Meade	D	1434
Nellie Scrimsher	D	1448
Lizzie Vann	D	1458
Mamie Jones	D	1473
G W Wilson	D	1484
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Herbert F Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank E Danderson	D	2705
James Gafford	D	2708
Anna I Hathi	D	2715
Wilbur R Lope	D	2717
Bertha Landon	D	2718
Ida Mart	D	2722
Lucy D Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nauffer	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
Irene Ros	D	2739
Wm H Ros	D	2740
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Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Leha C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E Thornton	D	3183	Dora Crane	R	628
Maude Thompson	R	4	Andrew Sitrell	R	642
Lorene G Thompson	R	5	John Sitrell	R	642
William F Kelly	R	10	Lillie May Wilson	R	648
Alice Tidwell	R	19	Ollie A Barger	R	656
Rosanna McLaughlin	R	41	Ida Hawkins	R	671
Maude A Benge	R	45	Lizzie Davis	R	761
Gertrude L Pierce	R	61	Clara M Emmons	R	805

Cherokee D560

Muskogee, Indian Territory, March 14, 1907.

William S. Edwards,

Collinsville, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 1[illegible], 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department January 26, 1[illegible].

Respectfully,

BPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

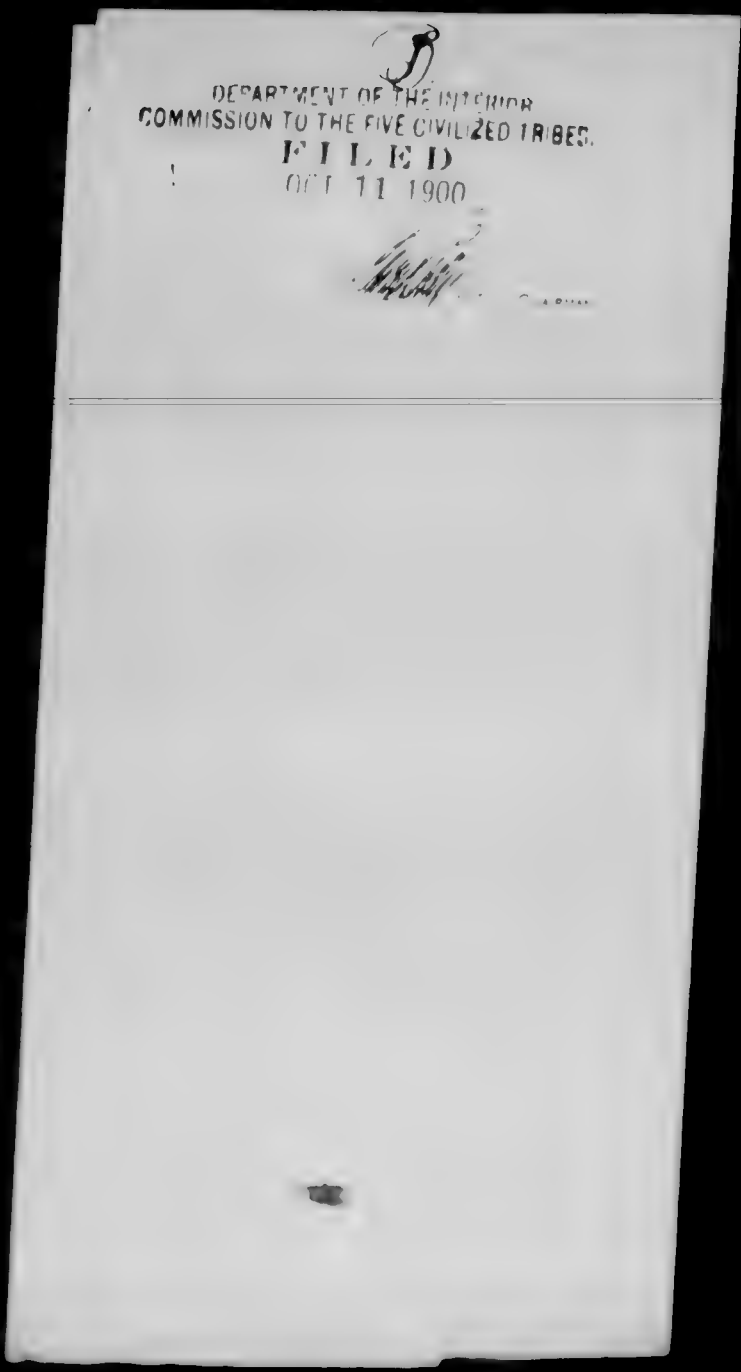
Commissioner.

Encl. 2-Land

Cher R 1122

Trans from Cher D 571

Cher R 1122


DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 11 1900

COOWEESCOOWEE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

OCT 11 1900

Date .....

Name 56 Thomas Lewis, Chelsea D.T.

District COOWEESCOOWEE Year 1896 Page 376 No. 404

Citizen by blood Y. Mother's citizenship

Intermarried citizen Ind

Married under what law Date of marriage 1870

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age

Court Roll

Evidence submitted but to be supplied

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Muskogee, I.T., Oct. 11, 1900.

Dec. 7, 1915 at 1 P.

[illegible] for [illegible] of Iowa by [illegible] [illegible] [illegible]

"R"

Cherokee D 571.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Thomas Lewis for enrollment as a Cherokee citizen;

Appearances:
Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 12,1902, that his application to be enrolled as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskogee, Indian Territory on the first day of March,1902; the applicant this day appears in person.

THOMAS LEWIS being sworn and examined testified as follows:
BY COMMISSION:
Q What is your name? A Thomas Lewis.
Q How old are you Mr. Lewis? A 57 years old.
Q What is your post-office address? A Chelsea.
Q Are you able to supply the Commission with the evidence of your marriage to your wife? A I have got the certificate.
Q Have you it with you? A (Produces papers.)
BY COMMISSION: Applicant presents certificate certifying that he was married on the 6th day of September,1880, by William Adams; and same is filed herewith.
Q Did you ever get a license from the authorities of the Cherokee Nation when you married your wife? A No sir, I didn't get no license from the Cherokee Nation.
Q You simply married under this certificate? A They didn't issue any license to Indians them days.
Q Is there any statement you desire to make relative to your enrollment? A No sir, I have got no statement; I want to come in under that certificate under the Cherokee law, although I never received anything from the Cherokees as yet.
Q Do you submit the case to the Commission for final consideration? A Yes sir.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final consideration basedupon the evidence now of record.

W.L.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 3,1902.

Commissioner.

Cher
Supp'l to D 571

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 21, 1902.

In the matter of the application of THOMAS LEWIS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

THOMAS LEWIS, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Thomas Lewis.
Q What is your post office address ? A Chelsea.
Q How old are you ? A I am fifty seven.
Q Are you the same Thomas Lewis that applied for enrollment in October, 1900 ? A Yes sir.
Q Are you a white man ? A No sir.
Q What are you ? A Indian.
Q What kind of an Indian ? A Munsey.
Q What is the name of your wife ? A Lucy D. Lewis.
Q Is she living now ? A Yes sir.
Q Is she a Cherokee ? A No sir she's a Delaware.
Q She's a Cherokee citizen of Delaware blood, is that what you mean ? A Yes sir.
Q When were you married to your wife Lucy ? A In 1880
Q Have you got your marriage certificate ?
A I did, but I give it to the other Commission.
Q What Commissionshas got it ? A Cherokee
Q That is the Dawes Commission ? A Yes sir.
Q When did you give it to them ?
A This last enrollment here, I was here
Q Had you ever been married x before you were married to your wife Lucy ? A No sir.
Q She is your first wife ? A Yes sir
Q Had she ever been married before she married you ? A Yes sir
Q How many times had she been married before ? A Once.
Q What was the name of her first husband ? A John Delaware
Q Was he living or dead when you married her ?
A He was dead
Q He was dead before you married her ? A Yes sir
Q How have you and your wife Lucy lived together all the time since you were married up to the present time ? A Yes sir
Q You and she were never separated ? A No sir
Q Never had any falling out ? A No sir
Q You were living together as husband and wife on the first day of September, 1902 ? A Yes sir
Q Have you lived in the Cherokee Nation all the time since [illegible] up to the present time ? A Yes sir

[illegible], on oath, states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of the stenographic notes thereof.

Subscribed and sworn to before me this November 20, 1902.

Notary Public

C.F.H. Cherokee D 571

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas Lewis as a citizen of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Bartlesville, Indian Territory, October 11, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Thomas Lewis as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 1 and October 21, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Thomas Lewis, is a Munsey Indian, and it does not appear from either the evidence in this case, or from an examination of the records in the possession of this office that said Thomas Lewis was ever admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes acting under authority of the Act of Congress approved June 10, 1896 (29 Stat. 321), or by the United States Court in Indian Territory, on appeal therefrom. The evidence further shows that said Thomas Lewis is married to one Lucy D. Lewis, formerly Delaware, a duly recognized citizen of the Cherokee Nation, and it is considered that he possesses no right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of said marriage. It is further shown that said Lucy D. Lewis, who is identified on the Delaware Register at No. 706 as Wuck-kee-nah-tah-ace, and on the approved roll of citizens of the Cherokee Nation of Delaware blood opposite No. 108, was a member of the Delaware tribe of Indians, and acquired her right to enrollment as a citizen of the Cherokee Nation by virtue of her compliance with the provisions of the agreement between the Cherokees and Delawares Indians of April 8, 1867. It is further shown that said marriage did not occur until September 6, 1896. Said applicant did not, therefore, marry in accordance with Cherokee law, a citizen by blood of the Cherokee Nation prior to November 1, 1875. The said Thomas Lewis can not be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 9, 1903, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 124, 125, 127 and 128, the said applicant, Thomas Lewis, is not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory,

this [illegible]

THIS CERTIFIES

That Thomas Lewis

and Louisa F. Howard

WERE

United in Matrimony

BY ME

on the 12 day of

at Eighteen hundred and

according to the ordinances of

and with the consent of Mr. Mark

COMMISSIONERS:
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902.

Mrs. Lucy D. Lewis,

Chelsea, Indian Territory,

Madam:-

You are hereby notified that the application of Thomas Lewis

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

1st day of March, 1902

On said date you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representative of the Cherokee Nation will also, at the same time, be afforded an opportunity to present testimony tending to disprove your right to enrollment, but said Representative will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with Cherokee marriage license and certificate.

Cherokee D-6?
Register.

Commissioner.

Cherokee
D 871

Muskogee, Indian Territory, February 6, 1907

Thomas Lewis,

Chelsea, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

Said decision, together with the record of proceedings had in the case, has been this day forwarded to the Secretary of the Interior for review. You will be notified of the Department's action in the case as soon as this office is informed of the same.

Respectfully,

J M B

Commissioner

Encl. B-90
Register

Cherokee
D 571

Muskogee, Indian Territory, February 6, 1907

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory,

Dear Sir:

There is enclosed to you herewith a copy of the decision of the Commissioner to the Five Civilized Tribes rejecting the application of Thomas Lewis for enrollment as a citizen by intermarriage of the Cherokee Nation. The decision, together with the record of proceedings had in the case, has been this day forwarded to the Secretary of the Interior for review.

You will be notified of the action of the Secretary when this office is informed of the same.

Respectfully,

Encl. B-91

Commissioner

Muskogee Indian Territory, February 6, 1907

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt, on February 4, 1907, of Departmental letter of January 31, 1907 (I.T.D. 1363-1907), enclosing for immediate report, a letter from Honorable Charles Curtis, United States Senate, transmitting a letter from Thomas Lewis, addressed to him, relative to his right to citizenship in the Cherokee Nation.

In reply there is enclosed the record of proceedings in the matter of the application of Thomas Lewis for enrollment as a citizen of the Cherokee Nation, together with the Commissioner's decision of even date herewith, rejecting his application.

Action on the case was suspended, awaiting the decision of the Courts on the question of the right of intermarried white persons to enrollment as citizens of the Cherokee Nation.

A copy of the Commissioner's decision has this

Secretary-2

day been forwarded to the applicant, and he informed that the decision, together with the record in his case, has this day been forwarded to the Department, and that he would be notified of the action of the Department as soon as this office is informed of the same.

Mr. Curtis's letter, with its enclosure, is returned herewith.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl. B-69

Commissioner

W B

Cherokee D-571

COPY

Muskogee, Indian Territory, March 13, 1907.

Thomas Lewis,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, rejecting the application for your enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,,

Encl. E-39
JMK

Commissioner.

Cherokee D-571 COPY

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, rejecting the application for your enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. H-40
JMH

(COPY)

DEPARTMENT OF THE INTERIOR,

Land.
13136-1907. OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 6, 1907, enclosing the record in the matter of the application for the enrollment of Thomas Lewis as a citizen of the Cherokee Nation together with his decision of the same date, rejecting the application; also referring to Departmental letter of January 11, 1907, (I.T.D. 1363-1907) and returning the letter of the applicant and Hon. Charles Curtis.

The record in this case shows that application was made to the Commissioner to the Five Civilized Tribes for the enrollment of the applicant as a citizen of the Cherokee Nation on October 11, 1906. The evidence shows that Thomas Lewis is a Delaware Indian, but it does not appear that he was ever admitted to citizenship in the Cherokee Nation by the duly constituted authorities of that Nation, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory, on appeal. It is shown that he was married to Lucy D. Lewis, a duly recognized citizen of the Cherokee Nation of Delaware Blood. Her name appears on the Dela-

ware Register at No. 706 as Muck-kee-nah-tah-ace, and on the approved roll of citizens of the Cherokee Nation of Delaware blood opposite No. 105, and acquired her right to enrollment as a citizen of the Cherokee Nation by reason of her compliance with the provisions of the agreement between the Cherokee and Delaware Indians of April 8, 1867. The marriage took place September 6, 1880. The name of Thomas Lewis does not appear on the authenticated roll of 1880. If he has any right to enrollment at all it is as an intermarried citizen, and since he did not marry a Cherokee by blood prior to November 1, 1875, it does not appear that he has any right to be enrolled as an intermarried citizen in view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al. vs. the United States.

It is recommended that the decision of the Commissioner denying the application be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MWP

D.C. 12416-1907 J.P.

LRS DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 5294,5306,5308,5314-07 March 1, 1907.
5318,5382,5388,5390- "
5416,5420,5436,5438- "
5444,5454,5456,5458- "
5472,5480,5482,5492- "
5510,5522, 5528,5532- "
5540,5056 - "

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of case.	Date of your letter of transmittal.
Malinda A. Scruggs et al	December 29, 190
James M. Wilkerson et al.	January 3, 190
Jessie B. Swindell et al.	January 4, 190
Mary J. Rogers (intermarried)	February 7, 1907
George W. Harrison et al.	October 19, 1904
Willis C. Richards (intermarried)	February 2, 190
Miranda Franklin (intermarried)	February 2, 190
Barnett Folsom (intermarried)	February 2, 190
Diana Rose and Coleman L. Rogers	January 30, 190
Rachel Ward Chandler	January 19, 190
Henry J. Hall (intermarried)	January 3, 190
Thomas York (intermarried)	January 19, 1907
Ann Lewis (intermarried)	January 7, 1907
Martha Ann Butler	February 2, 1907

Title of case.	Date of your letter of transmittal.
Claud Casey et al.	February 12, 1907
Gilbert H. Loflin	February 1, 1907
Sarah Jane Reeder	February 12, 1907
George Williams	February 12, 1907
Mary M. Palmour (intermarried)	February 5, 1907
Rebecca J. and Anna Caroline Powell	February 12, 1907
Joseph C. Cooper	December 31, 1906
William Oscar Yeates et al	December 29, 1906
Howard Raymond Moats (freedman)	February 11, 1907
Albert and Goldie Bienroth	February 11, 1907
Thomas Lewis	February 6, 1907
David Henry Lewis	February 1, 1907

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

4c inclosures.

4 inc. to Ind.Off.
AMc
1-1-07

Cherokee D.571.

Muskogee, Indian Territory, May 3, 1907.

Thomas Lewis,

Chelsea, Indian Territory.

Dear Sir:

This office is in receipt of your letter of April 24, 1907, in further reference to your claim to enrollment as a citizen of the Cherokee Nation.

In reply you are advised the records of this office show that a copy of the Commissioner's decision, dated February 6, 1907, rejecting your application for enrollment as a citizen of the Cherokee Nation was on that date forwarded to you, and that on March 13, 1907, a copy of the decision of the Secretary of the Interior approving the Commissioner's decision was forwarded to you.

There is quoted for your information the following provision of the Act of Congress approved April 26, 1906 (34 Stats., 137):

> "That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

S W. Commissioner.

Cher R 1123

Drawn from Cher D572

Cher R 1123

Doubtful as to applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I.T., Oct. 11, 1900.

In the matter of the application of Andrew Reed for the enrollment of himself, wife and five children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows.

Q What is your name? A Andrew Reed.
Q How old are you? A 42 or 3.
Q What is your post-office, A Bartlesville.
Q In what district do you live, A Coowescoowee.
Q Who is it you want to have put on the roll? A Myself and family
Q Got a wife? A Yes sir.
Q How many children? A 5
Q [illegible] What are you? A Cherokee.
Q What is your wife? A White woman.
Q How long have you lived in the Cherokee Nation? A Ever since I was born.
Q What is the name of your father? A Johnson Reed.
Q Is he dead or alive? A Dead.
Q What is the name of your mother, A Malinda Reed.
Q Is she dead or alive? A Dead.
Q What is your wife's name? A Susan Louisa.
Q How old is she? A 33
Q When did you marry her? A 1887.
Q Have you lived with her ever since you married her, A Yes sir
Q Give me the names of your children? A I have got a book here you can get the full names of them. (Hands Com'r book)
Q Linna I. 11 years old? A Yes sir.
Q Then you have got Nancy Anna that's the next one? A Yes sir.
Q She is 9 years old? A Yes sir
Q Then you have got P.L.A. Reed, that the next one? A Yes sir
Q What are you call him A Philetus Lee Andrew is the name,
Q How old is he? A Six years old
Q Also [illegible] that is the girl one A Yes sir
Q How is for [illegible] it. A Yes sir
Q And then they have Alice [illegible], that is the little one, A Yes sir.
Q What is the girl her? A Verna
Com'r We will just have down Alice L. 1,
Q How is two years old A Yes sir. And one is two in Nine her,
Q All those children are living now A Yes sir
[illegible] Andrew Reed
[illegible] Andrew Reed
[illegible] Andrew Reed
[illegible] Andrew A. Reed
[illegible] Philetus Reed
[illegible] Alla Reed
Were you ever married before you married Miss White. A Yes sir
Was your former wife dead before you married her, A Yes sir
Is she dead now? A I don't know
Did you get a divorce from her? A I don't know one way
[illegible] before I was married
Was your wife ever married to [illegible] A Yes sir
What was the name of your former wife? A [illegible]
What was [illegible] A She had three husbands before [illegible] and did by my wife
Where did you marry her? A [illegible] Texas.
Where did you [illegible] A Mount Ida
You [illegible] A Yes
And you have no part of the income of divorce? A No sir
Is she still living? A I [illegible] I don't know
Does she [illegible] A I don't

six years ago I believe .

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and five children; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he states that he has lived in the Cherokee Nation all his life and he will be listed now for enrollme t as a Cherokee by blood;

He states that he married his ~~wifexxx~~ present wife in 1887, she is identified with him and with her children on the roll of 1897; he states that they have lived together ever since their marriage; she is a white woman; the applicant states that he was married previous to his marriage to his present wife, and he is unable to produce at this time a copy of the decree of divorce, and he further states that his former wife was living at the time he married his present wife; at present the application for her enrollmen will be placed upon a doubtful card to await evidence of his having been divorced from his former wife.

Of the five children named in the testimony, the first 4 are identified on the roll of 1896;with their parents; they are all living at this time , but as their right to enrollment depends upon the proper establishment of the present marriage the application for their enrollment will be placed upon a doubtful card to await evidence of divorce from the applicant's ~~xxx~~ former wife; When a certificate is presented to the Commission of the birth of the child Alice L. V. , the youngest child, the application for this child's enrollment will also be placed upon a doubtful card, under the same circumstances as the former.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in t is case and that the foregoing is a true and com lete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this 12th day of October 1900.

T. B. Needles

Commissioner.

D.

Supplemental testimony D-572.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T., November 12, 1900.

In the matter of the application of George W. Green for the enrollment of himself and wife as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A George W. Green.
Q How old are you? A 56.
Q What is your postoffice? A Vera.
Q You live in Tooweescoowee District? A Yes.
Q Who is it you want to enroll; yourself and family? A Myself and wife.
Q Are you a Cherokee by blood? A No, sir, I am a white man.
Q What is your wife, a Cherokee by blood? A Yes, sir.
Q Let me see your marriage license and certificate.
Q You haven't got a copy of your license? A No, sir, it was destroyed and overlooked in changing the clerk.
Q When were you married? A I don't remember.
Q Were you married in '85 or '95; about when was you married?
A About twenty years.
Q This is a note from that (the) preacher saying he married you in July, 1885, fifteen years ago; you think you were married about twenty years? A Somewhere between fifteen or twenty, I don't know which.
Q Where did you get your license? A Here at Claremore, John Bullette made them out.
Q In Tooweescoowee District? A Yes, sir.
Q Were you ever married except to this wife? A Yes, I was married once before.
Q Was that wife dead when you married this wife? A Yes, been dead four years.
Q Was this wife ever married before she married you? A Yes.
Q How many times? A Once.
Q Was her husband dead when she married you? A Yes.
Q She never lived with that one she married before she married you? A That's all.
Q What is your full name now? A Emaline Green.
Q Are all the children by this wife? A Yes.
Q What was your husband's name? A Reed; her husband was named Reed.
Q Where is she from? A Maine.
Q How was it you happened to leave? A She was married about three years before I married.

Q When did you hear he was dead? A About 13 years ago.
Q You never heard he was dead until sometime after you were married? A He left me when I was sick.
Q When did you hear he was dead? A About 15 years ago.
Q How long after you were married you heard he was dead? A Seven years.
Q You had been married about seven years to this husband before you heard Andy Reed was dead? A Yes.

Re-direct.

Q When did you first hear he was dead? A When we were married.
Q She said she heard it seven or eight years after you were married? A Well, I don't know I have such a poor memory.

Commissioner Breckinridge:

The applicant applies for the enrollment of himself and wife. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. The applicant is identified with his wife on the roll of 1896. He states that he was married to her in accordance with Cherokee law, and that she was previously married, and he states that her former husband was dead when their present marriage was consummated. This is flatly contradicted by the testimony of the applicant's wife, and it is shown in the application of Andrew Reed, the former husband of the applicant's wife, for the enrollment of himself, his present wife, and five children, that the said Andy Reed is living and he has been enrolled, card No. 4349, as a Cherokee by blood, while his present wife and children were put on a doubtful card No. 670. It is not clear that the present applicant has not intended to give false testimony to the Commission, and the question of his prosecution and punishment therefor, may be a matter worthy attention. The applicant's wife states that no divorce was ever obtained between her and her former husband, the same who is enrolled in 1880. The application, therefore, for the enrollment of the applicant himself, at this time is rejected, and it is ordered that a copy of this testimony be filed in case No. 672, as supplementary testimony relating to the application for enrollment of Susan [illegible] Reed and children, and it appears [illegible] from the present testimony that Andrew Reed, the husband of Susan [illegible] Reed, a Cherokee by blood, has never obtained a divorce from his former wife, is not now [illegible] married to said Susan [illegible] Reed, and therefore, that said Susan [illegible] Reed is not entitled to be enrolled at this time.

"R"

D 572

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Susan L. Reed, for the enrollment of herself and children as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 12, 1902, that her application for the ~~xx~~ enrollment of herself and children as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that she could on said day appear before the Commission either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application.

She has this day, to-wit: the 1st day of March, 1902, been called three times, and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

Chero. D-572.

Department of the Interior,
Commission to the Five CivilizedTribes,
Bartlesville, I. T., June 7, 1902.

In the matter of the application for the enrollment of Susan L. Reed et al. as Cherokee citizens.

By Commissioner Brockinridge: Andrew Reed, of Cherokee straight case No. 4349 appears and files a certificate of marriage between himself and Susan L. Lucas, on the 27th day of November, 1887, her case is Cherokee D-572, and it is directed that this certificate be filed with her case.

Andrew Reed, being sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give me your full name. A Andrew Reed.

Q You have already applied for enrollment before the Dawes Commission? A Yes sir.

Q And you have now filed certificate of marriage between yourself and your wife? A Yes sir.

Q Were you ever married before you married this wife? A I lived with a woman before and that is what caused this trouble. I can't find anything to cause that.

Q You lived with a woman before you lived with this woman? A Yes sir.

Q What was her name? A Emeline Falling, when I got her, that was her man before.

Q You are a Cherokee by blood? A Yes sir.

Q Is that woman living now? A I couldn't tell you. George Keeler told me a week or two ago that she was dead; he was certain her [illegible] was dead for she married right away.

Q When did you last see her? A Down by Collinsville.

Q How long ago? A About three years ago.

Q When did you and that woman take to living together? A [illegible].

Q And how long did you live together? A I believe until in [illegible].

Q Did you and she have any children by that marriage? A [illegible].

Q None whatever? A No sir.

Q Was she ever married before she took up with you? A They claimed she had a man by the name of Falling.

Q Was she a white woman or Cherokee? A Cherokee.

Q A full blood? A Pretty near full blood.

Q Did you know Falling? A I knowed him when I seen him. I wasn't acquainted with him until after I got the woman.

Q Did you ever know him as the husband of that woman? A Yes sir. They had separated.

Q You understood that he had been her husband? A She told me so.

Q Did you ever have any other information? A She had said she lived with him.

Q It was a matter of common information that she and Falling had lived together as husband and wife? A Yes.

Q Did she have any children by Falling? A No sir.

Q Do you know how long they were said to have lived together? A [illegible].

Q And she just left Falling and took up with you? A Yes.

Q How do you know whether she and Falling held each other out to the community as husband and wife? A [illegible].

Q Well how did you, did you hold each other out as husband and wife? A For the time we lived together I did.

Q You considered that you lived together as husband and wife in a lawful way to that do? A Yes sir.

Q When you say this common period did either of you get a divorce? A No sir.

Q You just parted and had nothing more to say about it? A Yes.

Q How long after you parted before you married your present wife, about four or five years? A Between five and six years.

Q You have a lot of children by your present wife? A Yes sir.
Q And she is a white woman? A Yes sir.
Q So you never got any divorce from the Falling woman and she never got a divorce from Falling before she married you? A Not that I ever knowed of.
Q Was it customary with you Cherokees to just part company and marry again without getting a divorce in those days? A It seems a lot of them do that and there was never nothing said about it.
Q This present wife of yours what was her name when you married her? A Lucas.
Q W that her maiden name? A Yes sir.
Q Was she never married before she married you? A No sir.
Q How old is she? A About 35 years old.
Q You sure she had never been married? A That is what they have all told me that she never was married.
Q She had no children? A No children.
Q How long had you known her before you married her? A About a year.
Q How long had she lived in the country do you know? A No, I don't.
Q About how old was she when you married her? A About 21 or 22, I don't remember now.
Q Do you know where she came from? A From Kansas down to the territory, about Sedan.
Q What is she and her people do down here? A He was farming up there.
Q Was he farming down here? A Yes sir.
Q He time last she was met her? A Yes sir.

This testimony will be filed with the testimony in the case of the applicant's wife.

The undersigned, [illegible], states that at the time and place mentioned in the above entitled cause he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], 1914.

[illegible]

Cherokee D-572.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 14, 1902.

This is to certify that Andrew Read of Cherokee Nation in the Indian Territory and Susan L. Lucas of Chautuaqua County State of Kansas were united in Holy Matrimony on the Twenty seventh day of November in the year of Our Lord One Thousand Eight Hundred and Eighty Seven in accordance with the Ordinance of God and the Laws of the Cherokee Nation and the usages of the Indian Territory by me I.Blake Minister M.E.Church.
As witnesses refer to Matison Lucas and Martha Anne Lucas.

I hereby certify that the above is a true and correct copy of the original offered in evidence.

Cherokee D-572.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1903.

In the matter of the application of Susan L. Reed for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Linna I., Nancy A., Philetus L. A., Ala M., Alice L. V. and David A. Reed, as citizens by blood of the Cherokee Nation; ~~xxid~~ Andrew Reed, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Andrew Reed.
Q How old are you A I don't know exactly, about forty-five.
Q What is your postoffice? A Bartlesville.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nation.
Q What is your wife's name? A Susan L. Reed.
Q How old is she? A About thirty-five past.
Q She is a white woman is she? A Yes sir.
Q ~~When were you married to her? A In 1897.~~
Q Is she your first wife? A No sir, my first lawful wife.
Q Had you a wife named Emily? A That was the one I lived with.
Q Were you ever married to Emily? A No sir.
Q Never any marriage ceremony took place between you? A No sir.
Q You just took up with her-how long did you live with her? A Two or three years.
Q When did you commence living with her? A In '77 somewhere about that time.
A [illegible]
Q Have you regarded as husband and wife at all? A We lived together [illegible] that length of time and then separated.
Q Did you regard yourself as her husband? A They at times there was one and one was gone we stayed at the same house.
Q Did you have any children? A No sir.
Q Did you regard yourself as husband any of the time? A Yes, [illegible] while we were together.
Q You did while you were living together? A Yes sir.
Q Was she a married woman when you lived with her? A Yes sir.
Q And you were a single man? A Yes sir.
Q Was there any there was ever any ceremony performed? A No sir.
Q When did you quit living with her? A [illegible] in the year of '99.
Q Was she married when you left her? A No sir.
Q She re-married was it not? A Yes sir, her husband is dead.
Q Is that the only woman you ever lived with? A Yes sir.
Q Have you married your wife, Susan? A Yes sir
Q Have you and [illegible] ceremony, the first time?
A Yes sir.
Q You never had been separated? A No sir.
Q Has she ever left you for any length of time? A No sir, she is the only one. I have the marriage certificate to show.
Q [illegible] A Yes sir.
Q There were [illegible] A No sir, we never had any children born to us.
Q How many children have you by her? A Two.
Q Are they living? A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible]
A [illegible]
Q [illegible]

Q And living together on the first of last September? A Yes sir.
Q How long did you live in the Cherokee Nation? A I don't know.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Pobinson

Subscribed and sworn to before me this 12th day of November, 1902.

Notary Public.

20 N-5

IN RE

Application for Enrollment of

INFANT CHILD

David C. Reid

as a citizen of the

Cherokee Nation

Approved

Denied

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of David A. Reed (Here insert name of child), born on the 3rd day of March, 1902.
Name of Father: Andrew Reed, a citizen of the Cherokee Nation.
Name of Mother: Susan L. Reed, a citizen of the Cherokee Nation.
Post-Office: Bartlesville, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Susan L. Reed, on oath state that I am 35 years of age and a citizen, by intermarriage, of the Cherokee Nation; that I am the lawful wife of Andrew Reed, who is a citizen, by blood, of the Cherokee Nation, that a male child was born to me on the 3rd day of March, 1902, that said child has been named David A. Reed, and is now living.

Susan L. Reed

[illegible]

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE

[illegible]

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Alice Lau Venus Reed, born on the 12 day of November, 1898

Here insert name of child

Name of Father: Andy Reed, a citizen of the Cherokee Nation.

Name of Mother: Susan Louise Reed, a citizen of the Cherokee Nation.

Post-office, Kirbyville I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, Susan Louise Reed, on oath state that I am thirty three years of age and a citizen, by Adoption of the Cherokee Nation; that I am the lawful wife of Andy Reed, who is a citizen, by Blood of the Cherokee Nation; that a female child was born to me on the 12 day of November, 1898; that said child has been named Alice Lau Venus Reed, and is now living.

Susan Louise Reed

Subscribed and sworn to before me this 11 day of October, 1899

Geo. B. Keeler
U.S. Commissioner.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Northern District.

I, [illegible], a physician, on oath state that I was present and assisted by Susan Louise Reed wife of Andy Reed on the 12 day of November, 1898; that said child was born to said Susan Louise Reed; that said child is now living; that the name of said child is Alice Lau Venus Reed.

[illegible]

Subscribed and sworn to before me this 11 day of October, 1899

Geo. B. Keeler
U.S. Commissioner.

Cherokee D 572

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Linna I., Nancy A., Philetus L. A., Ala M., Alice L. V. and David A. Reed as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 11, 1900, Andrew Reed appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment of himself and his minor children, Linna I., Nancy A., Philetus L. A., Ala M. and Alice L. V. Reed, as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Susan J. Reed, as a citizen by intermarriage of said Nation, that subsequent to the date of said application a birth affidavit as to his minor child, David A. Reed, was filed with the Commission and the same is made a part of the record herein. Andrew Reed, being differently classified, is not embraced in this decision, and as the status of persons claiming citizenship by intermarriage in the Cherokee Nation is not fixed at this time, the application for the enrollment of Susan J. Reed, as such, will not be passed upon or considered in this decision. Further proceedings in the matter of said application were had at Bartlesville, Indian Territory, on June 7, 1902, and at Muskogee, Indian Territory, October 16, 1902. A copy of the testimony taken at Claremore, Indian Territory, on November 17, 1900, in the matter of the application of George W. Green, et al. has been made a part of the record herein.

The evidence shows that all the applicants herein were living when [illegible] and are the minor children of said Andrew Reed, who is identified as a native Cherokee and the [illegible] Cherokee roll.

The evidence further shows that the applicants are identified on the 1880 Cherokee census roll as follows, Linna I. as Lena Reed, Nancy A. Reed, Philetus L. A. as Philetus Reed and Ala M. as Ala Reed. The said Alice [illegible] and David A. Reed are too young to appear on any of the tribal rolls, but are identified by birth affidavits made a part of the record herein.

It further appears that Andrew Reed, father of said applicants, has resided all his life in the Cherokee Nation and it is understood that the residence of the said minor applicants has always been with their father in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Linna I. Reed, Nancy A. Reed, Philetus L. A. Reed, Ala M. Reed, Alice L. V. Reed and David A. Reed should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breedlove
Commissioner.

Commissioner.

Muskogee, Indian Territory.
Date SEP 18 1901

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
J. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

February 18,

Muskogee, Indian Territory, 1902.

Mr. Andrew Reed,

Bartlesville, Indian Territory,

Sir:-

You are hereby notified that the application of your wife Susan L. and five minor children for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on 1st day of March, 1902

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representative of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, and said Representative will be required to notify you of your privilege to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate of marriage to your present wife Susan L., also certified copy of decree of divorce from your former wife Emeline.

Your Post-Office
Register.

Commissioner in Charge.

Cherro. D-878.

Muskogee, Indian Territory, June 14, 1903.

Andrew Reed,

Bartlesville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th inst. enclosing marriage certificate of Andrew Reed and Susal L. Lucas. The same is returned to you herewith, copies having been made for the Commission's file.

The affidavit as to the birth of David A. Reed being in due form, it has been filed.

You are also requested, if possible, to procure a certified copy of decree of divorce of Andrew Reed from his former wife, Emeline.

Please give this matter your prompt attention.

Yours truly,

Commissioner in Charge.

Enc. R-159.
Register.

Cherc. D-573.

Muskogee, Indian Territory, June 30, 1902.

Andrew Reed,

Bartlesville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th inst. in which you state that you are unable to furnish the Commission with a copy of the decree of divorce from your former wife, Emeline.

In that event you are advised it will be necessary for you to bring before the Commission not less than two persons who know that you were granted a divorce from your former wife. This evidence must be furnished on or before July 25, 1902.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D-572.

Muskogee, Indian Territory, October 12, 1903.

Andrew Reed,
Bartlesville, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your minor children, Linna I., Nancy A., Philetus L. A., Ala M., Alice L. V. and David A. Reed, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby.

Chairman.

Enc. D-86.
Register.

COPY.

Cherokee D-572

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory:

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Andrew Reed for the enrollment of his minor children, Lillie D., [illegible] A., William J. R., Ida B., Alice L. [illegible] and Lavyle A. Reed, as citizens by blood of the Cherokee Nation.

You will thereby conclude that you will be allowed fifteen days from date hereof in which to file such pleadings as you may desire to make against the action of the Commission in this case, a copy of which pleadings you will be required to furnish the applicant. If no such pleadings be filed within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Enc. D-31

Cherokee No.

D. 572

Muskogee, Indian Territory, January 10, 1907.

Susan L. Reed,

Bartlesville, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

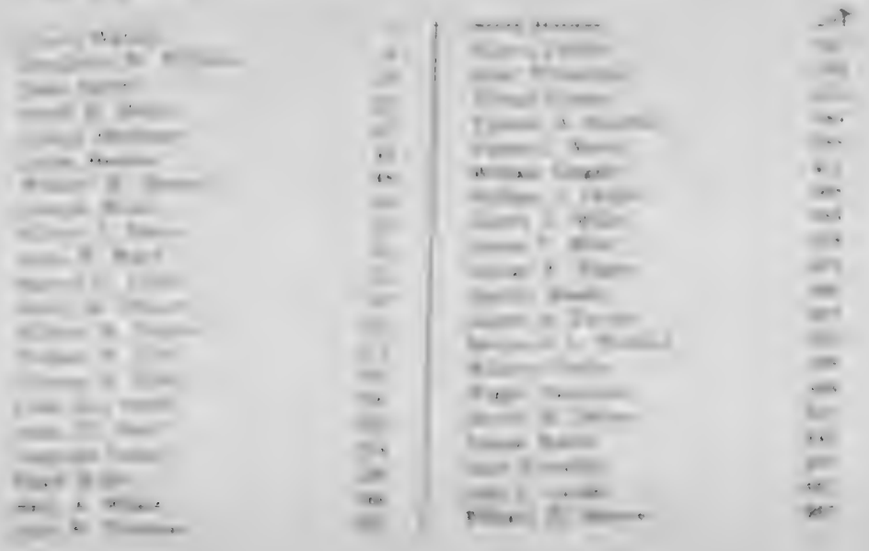
Inel. Decn.

D

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

DECISION



Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J Keys	1149
Joseph M Correll	1177
Jane Ratley	1225
George E Norton	1234
Malala D Thompson	1247
Charles M Trammel	1264
Flora Carlile	1265
William H Nettel	1275
Olivia Berge	1276
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Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Savers	2474
Wilham T Jones	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L Morgan	2568
Andrew A Brown	2575
Louis K Farr	2623
James L Mitchell	2644
Martha E McNair	2659
Millard I Eggleston	2668
Hulda M Gray	2686
Jessie M Bedford	2694
Annie Myers	2708
Belle Sweitzer	2803
Lyons P Rice	2814
William Reynolds	2815
William A Myers	2816
Lloyd Q Richardson	2817
Mary Griffin L Foster	2818
Irving M Hill	2819
John R Smith	2820
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William A J Trotter	3257
Albert P Goforth	3298
Anna B Martin	3307
William Brown	3344
Jennie B Bluejacket	3345
William Little	3377
Julia M A Russell	3386
Andrew J Smith	3393
William N Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
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Sydney E Bell	4232
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Charles Parks	4244
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James R Fugate	4275
Maud Adams	4277
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Alice Robbins	4644
Jane Dougherty	4649
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Thomas J Simpson	5629
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Joseph A Lawrence	5843
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Joseph Lehr	5851
Enin M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W Young	5872
Earlex F Ellis	5874
Rosa B Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H Merchant	5888
John D Merchant	5889
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William H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William A Fisk	6392
William O Ames	6394
Thomas Wilkerson	6396
Alice C Springston	6407
Fanny N Witt	6413
Lillie M Adair	6424
Mark I Matheson	6428
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Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rubie M Nottnan	7155
Mary I Foreman	7158
Mina West	7159
James M Connelly	7161
Frances M Crowell	7163
Lantie I McCrary	7171
Benjamin B Crocker	7176
Ada Phipps	7180
William L Whitehead	7184
Frances B Perry	7191
Philip Shultz	7200
Hester A Miller	7212
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George E Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Jane Thomas	9562
James I Petty	9563
Lucia McCrary	9566
Jno. D Smith	9568
William T Cave	9572
W[illegible] Barger	9577
James M Smith	9582
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Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Wade Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary L. Peace	10051
Marion L. Bowers	10052
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Sarah A Fields		10214
Susie Henderson		10216
Charles H Rienhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Timberlake		10226
George A Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M Coster	D	17
Martin L Stokes	D	28
Peter Walters	D	44
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Rhoda A Sanders	D	878
Manuel Spencer	D	884
Benjamin H Hulbert	D	891
Mary Brassfield	D	935
James L Tindle	D	944
Silas G Reneckar	D	966
Eliza Wofford	D	967
Jasper L Newton	D	971
John N Gunn	D	974
Hannah Parson	D	989
Nellie C Helberstrand	D	1003
Thomas J Welch Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1015
James M Jones	D	1022
Reuben A Evans	D	1052
Carrie H Cole	D	1149
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Ella Vann	D	1320
Lunnie Wofford	D	1330
Minnie Downing	D	1332
Ivarie Rider	D	1334
Samuel G Mills	D	1337
Alfred H Wood	D	1342
Cynthia Whitekaller	D	1352
Susie McSpadden	D	1361
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Albert C Dykes	D	2703	Ellen Rogers	D	2822
Delora Drew	D	2704	Elijah Rolland	D	2827
Frank I Danderson	D	2705	Endora Steele	D	2828
James Gafford	D	2708	William M Stucker	D	2829
Anna J Herlin	D	2715	Sallie Tannneacre	D	2831
William R Lupo	D	2717	Mary Tassle	D	2832
Bertha Lindsey	D	2718	John F Wolf	D	2835
Lula Mote	D	2722	Ruth A Ward	D	2840
John D Matthews	D	2723	Winnie Daugherty	D	2884
Mary McIntosh	D	2725	Mary Guthrie	D	2885
Bertha Neuffer	D	2730	Lydia Long	D	2886
Richard Nichols	D	2731	Lidia Roberts	D	2887
William E Ross	D	2738	Manda Ward	D	2889
Irene Ritz	D	2739	Elvira J Alberts	D	2905
William H Rogers	D	2740	Thomas C Cordray	D	2906
Cornelius C Swingle	D	2741	Edward Fowler	D	2907
Jacob Swingle	D	2742	Dora Fortenbaugh	D	2908
William S Slagle	D	2744	Dexter Hill	D	2909
Geo Lupton	D	2745	John Hunter	D	2910
John T Thompson	D	2746	Samuel Hunter	D	2911
Jesse B Smith	D	2747	Nicholas Kimmel	D	2912
Jacob Pugh	D	2748	Jacob Kimmel	D	2913
Jay Shaw Jr	D	2749	Alexander Shaw	D	2914
Ralf Smith	D	2750	Samuel Ward	D	2915
Eugene L Smith	D	2751	Elmer Fox	D	2916
Jessie Bell	D	2752	Mary Gilbert	D	2917
Charles Bell	D	2753	Lewis Stephens	D	2918
Nancy Thompson	D	2754	Sadie E Bell	D	2919
Jay Stephens	D	2755	Charles S Hamilton	D	2920
Alice J Allen	D	2756	Charles Phillips	D	2921
Nellie M Thompson	D	2757	Samuel Bell	D	2922
Benjamin F Brown	D	2758	Samuel Bell	D	2923
Joseph E Allen	D	2759	Lewis T Stephens	D	2924
Frank T Allen	D	2760	Albert Thompson	D	2925
Nathaniel Bell	D	2761	John T Campbell	D	2926
Jacob Mary Stephens	D	2762	Edward H Campbell	D	2927
Robert Phillips	D	2763	Lewis Thomas	D	2928
Jacob T Stephens	D	2764	Robert Young	D	2929
Jesse Allen	D	2765	Robert T Allen	D	2930
Charles Bell	D	2766	Charles Bell	D	2931
Jacob T Stephens	D	2767	Jacob T Stephens	D	2932
Jacob Phillips	D	2768	Jacob Phillips	D	2933
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Charles Bell	D	2770	Charles Bell	D	2935
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Jacob Phillips	D	2772	Jacob Phillips	D	2937
Joseph Allen	D	2773	Joseph Allen	D	2938
Charles Bell	D	2774	Charles Bell	D	2939
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Jacob Phillips	D	2776	Jacob Phillips	D	2941
Joseph Allen	D	2777	Joseph Allen	D	2942
Charles Bell	D	2778	Charles Bell	D	2943
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Jacob Phillips	D	2780	Jacob Phillips	D	2945
Joseph Allen	D	2781	Joseph Allen	D	2946
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Joseph Allen	D	2785	Joseph Allen	D	2950
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Jacob T Stephens	D	2787	Jacob T Stephens	D	2952
Jacob Phillips	D	2788	Jacob Phillips	D	2953
Joseph Allen	D	2789	Joseph Allen	D	2954
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Jacob Phillips	D	2792	Jacob Phillips	D	2957
Joseph Allen	D	2793	Joseph Allen	D	2958
Charles Bell	D	2794	Charles Bell	D	2959
Jacob T Stephens	D	2795	Jacob T Stephens	D	2960
Jacob Phillips	D	2796	Jacob Phillips	D	2961
Joseph Allen	D	2797	Joseph Allen	D	2962
Charles Bell	D	2798	Charles Bell	D	2963
Jacob T Stephens	D	2799	Jacob T Stephens	D	2964
Jacob Phillips	D	2800	Jacob Phillips	D	2965
Joseph Allen	D	2801	Joseph Allen	D	2966
Charles Bell	D	2802	Charles Bell	D	2967
Jacob T Stephens	D	2803	Jacob T Stephens	D	2968
Jacob Phillips	D	2804	Jacob Phillips	D	2969
Joseph Allen	D	2805	Joseph Allen	D	2970
Charles Bell	D	2806	Charles Bell	D	2971
Jacob T Stephens	D	2807	Jacob T Stephens	D	2972
Jacob Phillips	D	2808	Jacob Phillips	D	2973
Joseph Allen	D	2809	Joseph Allen	D	2974
Charles Bell	D	2810	Charles Bell	D	2975
Jacob T Stephens	D	2811	Jacob T Stephens	D	2976
Jacob Phillips	D	2812	Jacob Phillips	D	2977
Joseph Allen	D	2813	Joseph Allen	D	2978
Charles Bell	D	2814	Charles Bell	D	2979
Jacob T Stephens	D	2815	Jacob T Stephens	D	2980
Jacob Phillips	D	2816	Jacob Phillips	D	2981
Joseph Allen	D	2817	Joseph Allen	D	2982
Charles Bell	D	2818	Charles Bell	D	2983
Jacob T Stephens	D	2819	Jacob T Stephens	D	2984
Jacob Phillips	D	2820	Jacob Phillips	D	2985

Luc Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Julian Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E Thornton	D	3183	Dora Crane	R	628
Mercie Thompson	R	4	Andrew Sitrell	R	642
[illegible] G Thompson	R	5	John Sitrell	R	642
[illegible] E Ivell	R	10	Lillie May Wilson	R	643
[illegible]	R	19	Olive A Barger	R	656
[illegible] McLaughlin	R	41	Ida Hawkins	R	671
Marcia A [illegible]	R	45	Lizzie Davis	R	761
[illegible]	R	61	Clara M Emmons	R	803

Cherokee D
572

Muskogee, Indian Territory, March 14, 1907.

Susan L. Reed,

Bartlesville, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

EPI

Commissioner.

Cherokee
et al.

Muskogee, Indian Territory, March 14, 1907.

W. T. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enclosure
Dec

Cher R1124

Trans from Cher D574

Cher R1124

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 12 1900

CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 12 1900 1900.

Name [illegible] N. Lyman

District COOWEESCOOWEE. Year 1896 Page 313 No. 597

Citizen by blood NW Mother's citizenship

Intermarried citizen Yes

Married under what law

Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Dead	Year	Page	No.	Age
Dead	Year	Page	No.	Age
Dead	Year	Page	No.	Age
Dead	Year	Page	No.	Age
Dead	Year	Page	No.	Age
Dead	Year	Page	No.	Age
Dead	Year	Page	No.	Age
Dead	Year	Page	No.	Age
Dead	Year	Page	No.	Age
Dead	Year	Page	No.	Age

Cherokee D. 574

Department of the Interior,
Commission to the Five Civilized Tribes.
Bartlesville, I. T. October 12, 1900.

In the matter of the application of Mary Lynam for the enrollment of herself and husband as Cherokee citizens; she being sworn by Commissioner Breckinridge, testified as follows: Examination by the Commission.

Q What is your name? A Mary Lynam.
Q How old are you? A I will be 70 years old.
Q What is your post office? A Wann.
Q You are making application for enrollment as a citizen by blood of the Cherokee Nation? A Yes sir.
Q How long have you resided in the Cherokee Nation? A About 70 years I reckon.
Q Lived here all your life? A Yes sir.
Q Never maintained a residence elsewhere? A No sir.
Q Have you been outside the Cherokee Nation in the past three years? A Nxxxxx. I dont remember; I have been to Coffeyville to trade.
Q Never made your residence elsewhere? A No.
Q To what district in the Cherokee Nation do you belong? A I have been in one and then in the other.
Q In what District are you enrolled? A Coowe scoowee.
Q What was your father's name? A Sam Ward.
Q Was he a white man or a Cherokee? A He was a Cherokee.
Q He's dead? A Yes.
Q What was your mother's name? A Cynthia Ann Ward.
Q She was a Cherokee Indian? A White woman.
Q She's dead of course? A Yes.
Q Are you making application for any one besides yourself? A I don't know, my husband he's at home. I thought I would see if he is on the roll I reckon. (Also applied for her husband.)
Q What is your husband's name? A William M. Lynam.
Q How old is he? A 86 years old.
Q Is he a citizen of the Cherokee Nation? A No sir, he's a white man.
Q What is his father's name? A I don't know, I never seen him.
Q What was his mother's name? A I don't know.
Q Their name was Lynam? A Yes sir, I guess so, I never seen them.
Q Your husband's mother was a white woman? A Yes.
Q When were you married to your husband? A I don't know, 18 or 19 years ago.
Q Where were you married to him? A Independence, and then at Vinita.
Q The first under United States law and subsequently under Cherokee law? A Yes.
Q Have you a marriage license and certificate? A No sir, he never got the license, he paid for them, they said that they would send them then but we never got them.
Q Have you any children under 21 years and unmarried? A No sir.
Q Are making application for yourself and husband? A Yes sir.
Q Your name is [illegible] Mary Lynam? A Yes sir.

[illegible] roll, page 14, [illegible] Mary Lynam, Delaware, I.T.
[illegible] roll, page [illegible], [illegible] Mary Lynam, [illegible].
[illegible] roll page 218, [illegible] William M. Lynam.

By the Commission.

The applicant applies for the enrollment of herself as a citizen by blood of the Cherokee Nation, and for the enrollment of her husband William M. Lynam as an intermarried citizen of the

Cherokee Nation. The name of the applicant appears upon the 1880 authenticated of the citizens of the Cherokee Nation as Mary Conrwall, and on the 1896 census roll as Mary Lynam (Cornwell) she having given sufficient evidence as to her continued residence in the Cherokee Nation, the time prescribed by law, will, be listed for enrollment by this Commission as a citizen by blood of the Cherokee Nation. The applicant testifies that she was married to her husband William H. Lynam, 19 years ago, but does not offer in evidence the marriage license and certificate of such marriage. The name of her husband is identified upon the 1896 census roll of the Cherokee Nation as an intermarried white. It will be necessary for the Commission to have the marriage license and certificate of the applicant and her husband in accordance with the laws of the Cherokee Nation for his enrollment as a intermarried citizen, and until such is exhibited and filed with the records of this Commission, the name of her husband will be placed upon a doubtful card.

E. G. Rothenberger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger.

Subscribed and sworn to before me this 12th day of October, 1900.

C. R. Breckinridge,
Commissioner.

Ella Mielens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy, and that the same is a full and correct copy of the original transcript.

Ella Mielens

Subscribed and sworn to before me this 13th day of May, 1902.

Notary Public.

b-

Department of the Interior.
Commission to the Five Civilized Tribes.
Bartlesville, I. T., October 13, 190 .

In the matter of the application of Mary Lynam for the enrollment of herself and husband as Cherokee citizens; she being sworn by Commissioner Breckinridge, testified as follows: Examination by the Commission.

Q What is your name? A Mary Lynam.
Q How old are you? A I will be 70 years old.
Q What is your postoffice? A Wann.
Q You are making application for enrollment as a citizen by blood of the Cherokee Nation? A Yes, sir.
Q How long have you resided in the Cherokee Nation? A About 70 years, I reckon.
Q Lived here all your life? A Yes, sir.
Q Never maintained a residence elsewhere? A No, sir.
Q Have you been out side of the Cherokee Nation in the past three years? A I don't remember; I have been to Coffeeville to trade.
Have you had your residence elsewhere? A No.
Q To what district in the Cherokee Nation do you belong? A I have been in one and then another.
Q In what district are you enrolled? A Cooweescoowee.
Q What was your father's name? A Sam Ward.
Q Was he a white man or Cherokee? A He was a Cherokee.
Q He's dead? A Yes.
Q What was your mother's name? A Cynthia Ann Ward.
Q She was a Cherokee Indian? A Whitmire.
Q She's dead, of course? A Yes.
Q Are you making application for anyone besides yourself? A I don't know, my husband is at home. I think I would see if he is on the roll I reckon. (Also applies for husband)
Q What is your husband's name? A William H. Lynam.
Q How old is he? A 85 years old.
Q Is he a citizen of the Cherokee Nation? A No sir, he's a white man.
Q What is his father's name? A I don't know, I never knew him.
Q What was his mother's name? A I don't know.
Q Your name was Lynam? A Yes sir. I married, sir, I took it from them.
Q Your husband's mother was a white woman? A Yes.
Q What were you married to your husband? A I don't know, 12 or 14 years ago.
Q Were you married to him? A Little Rock, and then at Vinita.
Q The first under United States law and authority under Cherokee law? A Yes.
Q Have you a marriage license and certificate? A No sir, we never got the license, we paid for them but we never got them but we never got them.
Q Have you any children under 21 years of age? A No sir.
Q Are making application for yourself and husband? A Yes, sir.
Your name is on the card now, is it? A Yes sir.
Last roll, page 24, Mary Lynam, Delaware, 19.0
Dawes roll, page 208, Mary Lynam, Cooweescoowee.

2- M.L.

By the Commission-

The applicant applies for the enrollment of herself and a citizen by blood of the Cherokee Nation, and for the enrollment of her husband, William H. Lynch, as an intermarried citizen of the Cherokee Nation. The name of the applicant appears upon the 1880 authenticated roll of the citizens of the Cherokee Nation as Mary Cornwall, and on the 1896 Census roll as Mary Lynch (Cornwall). She having given sufficient evidence as to her continued residence in the Cherokee Nation, the time prescribed by law, will be waived for the enrollment by this Commission as a citizen by blood of the Cherokee Nation. The applicant testifies that she was married to her husband, William H. Lynch, 18 years ago, but does not offer in evidence the marriage license and certificate of the marriage. The name of her husband is identified upon the 1896 Census roll of the Cherokee Nation as an intermarried white. It will be necessary for the applicant to have the marriage license and certificate of the applicant and her husband in accordance with the laws of the Cherokee Nation for his enrollment as an intermarried citizen, and until such is obtained and filed with the records of this Commission, the name of the husband will be passed upon a doubtful case.

[illegible] to the Commission to the Five Civilized Tribes, he [illegible] in the above case, and that the [illegible] of his statements is [illegible]

[illegible]

[illegible] Commissioner.

Executive Department, Cherokee Nation,

Tahlequah Indian Territory.

I hereby Certify that I have made careful and diligent examination of the Marriage Records of Coowescoowee District, and I am unable to find recorded in said records a Marriage license issued to William McLemore to marry Mary Lynn neither do I find a record showing that a marriage ceremony was performed uniting the above named parties in the Holy Bonds of matrimony, that all of said records being now in this office and in my custody.

Given on this the 16th., day of June 1908.

J. T. Parker
Executive Secretary.

UNITED STATES OF AMERICA,)
)
INDIAN TERRITORY,) ss
NORTHERN DISTRICT.

On this 14th day of October, 1901, before me, Oliver D. Neville, a duly commissioned and acting Notary Public within and for the Northern District, Indian Territory, personally appeared William H. Drew, to me well and personally known to be the party representing himself to be, and on his oath stated that in 1892, and 1893, he was Acting Deputy Clerk for Sooweescoowee District, Cherokee Nation, and as such was authorized ~~x~~ to perform marriage ceremonies in accordance withe the Cherokee laws; that in such capacity he performed the marriage ceremony between W. H. Lyman, and Mary Lyman, in due form and according to the Cherokee laws, in either the year 1892, or 1893, deponent remembers not which.

W H Drew

Subscribed and sworn to before me this 14th day of October, 1901.

My Commission
Expires _____, _____

Notary Public.

"R"

D 574

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of William H. Lyman, for the enrollment of himself as a citizen of the Cherokee Nation :

The applicant was notified by registered letter February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902, and that on said day he could appear before the Commission either in person or by attorney, and an opportunity would be given him to introduce any further testimony affecting his application.

Receipt has been acknowledged of the Commission's letter; and the applicant this day, to-wit: the 1st day of March, 1902, has been called three times, and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.

Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that an affidavit has been filed in this case, and they desire to protest against its filing or consideration.

The protest of the Cherokee Nation will be noted, and the affidavit will be considered for what it is worth.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 1, 1902.

Commissioner.

Cher-D-574.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 23, 1902.

In the matter of the application of William Lynam (Lyman) for enrollment as a citizen by intermarriage of the Cherokee nation.

Mary Lynam, called as a witness, being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Mary Lynam.
Q How old are you? A 76 years old.
Q What is your postoffice address? A Coffeeville, or Vann.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you been living in the Cherokee nation? A Seventy two years. A
Q All your life? A Yes sir.
Q Your husband is William H. Lynam? A Yes sir.
Q Is he a white man? A Yes sir.
Q When were you married to him? A About 20 years ago we were married, but it isn't that long since were married according to Cherokee law.
Q When were you married according to Cherokee law? A It hasn't been more than about ten years; I can't say exactly. It is more than five years. I have grand sons in here; I can't remember anything any more.
Q Was W. H. Lynum your first husband? A No sir.
Q What was your first husband's name? A Isaac Cornwell.
Q Was he a white man? A Yes sir.
Q Is he dead? A Yes sir.
Q When did he die? A He has been dead ever since that boy was born.
Q When was that? A Thirty six years I believe.
Q He died long before you married your present husband? A Yes sir.
Q W. H. Lynam is your second husband, is he? A Yes sir.
Q Had your husband ever been married before he married you? A Yes sir.
Q How many times? A I don't know; I never saw him until he came to the nation.
Q When did he come to the nation? A Twenty odd years ago.
Q You say he had been married before he married you? A Yes sir.
Q Had he any living wife when he married you? A No sir.
Q Have you and your husband been living together ever since you were married? A Yes sir.
Q Never have been separated have you? A We was once a little while before we was married the second time.
Q You have never been separated since you married according to the Cherokee law? A No sir.
Q You are living together now? A Yes sir.
Q You have been living together in the Cherokee nation ever since you were married? A Yes sir.
Q Never lived anywhere else? A No sir.
Q Who married you under Cherokee law? A William P. Drew, deputy Clerk of [illegible] district.
Q Is William P. Drew living? A Yes, he was; he lives at Vinita.
Q It will be necessary for you to bring Mr. Drew down to testify that you were married. A Can't you get his affidavit?
Q That would do; affidavits are not accepted. Will you write to Drew to come to the Commission at Muskogee to testify that you and your husband were married according to Cherokee law.

Process 5. Have spoke with citizen that he stenographer to the

2- Cher-C-574

Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lare

Subscribed and sworn to before me this November 1,1902.

[illegible]
Notary Public.

Cherokee D 574

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William H. Lyman as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 12, 1900, Mary Lyman appeared before the Commission at Bartlesville, Indian Territory, and made application for the enrollment of her husband, William H. Lyman, as a citizen by intermarriage of the Cherokee Nation. The application included Mary Lyman but, as she is differently classified, she is not embraced in this decision.

The evidence shows that William H. Lyman, a white man, was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation in the year 1892 or 1893, to Mary Lyman, a citizen by blood of the Cherokee Nation, who is identified on the Cherokee Authenticated Tribal Roll of 1880. The said William H. Lyman is identified on the Cherokee Census Roll of 1896.

It further appears from the evidence that William H. Lyman has lived in the Cherokee Nation with his wife ever since their marriage.

It is, therefore, the opinion of this Commission that William H. Lyman should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS:
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902.

Mrs. Mary Lyman,

Wann, Indian Territory,

Madam:-

You are hereby notified that the application of William H. Lyman

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

1st day of March, 1902,

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further advised that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony [illegible] they will be permitted to do so.

You are required to supply the Commission with Cherokee Marriage license and certificate, or official evidence thereof from the Cherokee authorities.

Cherokee 2-874
Register.

[illegible]
Commissioner in Charge.

Muskogee, Indian Territory, May 26, 1902.

Mrs. Mary Lyman,

Wann, Indian Territory.

Madam:

You have not supplied the Commission with the license and certificate of your marriage, under Cherokee law, to your husband, William H. Lyman, or certified copies thereof. These documents are necessary in the further consideration of the application for the enrollment of your husband as a citizen of the Cherokee Nation.

In the event that the original Cherokee license and certificate or certified copies thereof are not obtainable, you are required to appear before the Commission and submit further evidence regarding your marriage under Cherokee law. You will be given fifteen days from the date of this letter within which to supply this evidence.

Yours truly,

Acting Chairman.

In answering refer to
Cherokee 1 874.
Register.

Cherokee D-874

Muskogee, Indian Territory, July 18, 1902.

William H. Lyman,

Vann, Indian Territory.

Sir :

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you are directed to produce proper evidence showing your marriage to your wife, Mary, according to Cherokee laws. If no record evidence of such marriage exists, it will be necessary for you to furnish the testimony of witnesses who were present at the time of said marriage, and who can testify that you complied with the requirements of the Cherokee law. It is suggested that you cause William H. Drew to personally appear before the Commission and testify in this behalf. He made an affidavit in your case, but the introduction of the same as evidence was objected to by the Cherokee Nation, and it cannot be considered by the Commission as legal evidence upon the matter in question.

The evidence herein required must be furnished to the Commission at Muskogee, Indian Territory, on or before August 6, 1902.

Yours truly,

Commissioner in Charge.

Register.

Cherokee D-574

Muskogee, Indian Territory, August 12, 1902.

W. H. Lyman,

Wann, Indian Territory,

Dear Sir:

The Commission is in receipt of your recent letter without date, relative to your appearance before this Commission in the matter of your application for enrollment as a citizen of the Cherokee Nation.

In reply, you are advised that if your presence before the Commission is required, you will be further notified.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BREVOORT
ALEXANDER ARCHIBALD

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-574.

Vinita, Indian Territory, January 26, 1903.

William H. Lyman,

Wann, Indian Territory.

Dear Sir:-

You are hereby notified that before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary that you introduce further testimony showing that there was issued to you, a marriage license in accordance with Cherokee laws. If possible you should introduce the testimony of the District Clerk who issued the marriage license to you.

This testimony should be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 1st, 1903.

You should present this letter when you appear.

Respectfully,

Acting Chairman.

Cherokee No.

D. [illegible]4

Muskogee, Indian Territory, January 10, 1907.

William H. Lyman,

Wann, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION

[redacted]

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hart	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Rosie Shepard	1128
Robert G Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
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Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Savers	2474
William T Jones	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L Morgan	2568
Andrew A Brown	2575
Louis K Fair	2625
James L Mitchell	2644
Martha L McNair	2650
Millard F Eggleston	2668
Elisha M Cox	2686
Josie M Russell	2694
Arthur Moore	2728
Bear Sanborn	2801
Lyons P Ri[illegible]	2875
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Lucy M Hu[illegible]	3048
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Nancy J Kinney	4225
Sydney E Bell	4232
Isaac H Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
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Allen H Gibson	4327
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Lizzie Love	4626
Robert K Wann	4632
Frederick Metzner	4633
John C Bratcher	4634
Pearson I Jones	4641
Ad Berthoff	4642
Alex Robbins	4644
Jere Dougherty	4649
Solomon Preston	4650
Clarence C Peck	4652
Mary C [illegible]	4657
Frank J Mc[illegible]	4659
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Ida R. Wilkerson	6383
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Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
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Mark F. Matheson	6428
Ida L. Wilson	6431
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Mary F Foreman	7158
Alma West	7159
James M Connally	7161
Francis M Crowell	7163
Fannie E McClure	7171
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Florence Henry	9553	Pearlee Thompson	9882
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Mary Jane Thomas	9562	Moses L Morris	9889
James I Petty	9563	Sarah L Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D Smith	9568	Gideon D Sleeper	9895
William T Cave	9572	William A Mcklin	9896
William Barber	9577	John H Horton	9904
Lewis M Smith	9582	Howe L Rogers	9905
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Charles Rams	10118
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Richard A Clark	10126
Emma B Martin	10128
Walter L Bates	10129
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Lenora Prather	D	16
Andrew M Cooter	D	17
Martin L Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	103
George T Kiddy	D	108
Henry C Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A McGlamery	D	161
Maggie Douberhead	D	169
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Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E Keys	D	550
William S Edwards	D	560
Susan L Reed	D	572
William H Lyman	D	574
Gracia Davis	D	577
Edward C Bolen	D	582
Dora Guthrie	D	585
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Mary Brassfield	D	935
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Silas G Reneckar	D	966
Eliza Wofford	D	967
Jasper L Newton	D	971
John N Gunn	D	974
Hannah Parson	D	989
Nellie C Helterbrand	D	1003
Thomas J Welch Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M Johns	D	1022
Reuben A Evans	D	1032
Carrie H Cobb	D	1040
John M Bates	D	1060
Sarah L Hobson	D	1078
Lucia D Hobson	D	1080
Henry L Dunnam	D	1086
Benjamin I Cross	D	1090
Benjamin Stinson	D	1096
Nelson Shelton	D	1098
Anna Walsh	D	1100
Otis H Walsh	D	1102
Thomas A Walsh	D	1104
Ivey Shelton	D	1106
Ezra Shelton	D	1108
Fleming A Reed	D	1110
Marsh Cox	D	1112
Thomas Johnson	D	1114
Lawrence Tidwell	D	1116
Ronald E Stone	D	1118
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Paul M Johnson	D	1122
Nathaniel E Sims	D	1124
Jerry W Hicks	D	1126
Ray Hicks	D	1128
Ben Hicks	D	1130
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
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Alfred H Woods	D	1342
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Susie McSpadden	D	1361
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Sarah M Cox	D	1367
Mary Stone	D	1369
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Herbert F Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank I Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lipse	D	2717
Bertha Landress	D	2718
Lua Mote	D	2722
John D Matthews	D	2723
Mary M Dilosh	D	2725
Bertha Nekiffer	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
[illegible] Ross	D	2739
[illegible] H [illegible]	D	2740
[illegible]	D	2741
[illegible]	D	2743
[illegible]	D	2744
[illegible]		[illegible]
[illegible]		[illegible]
[illegible]		[illegible]

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	141
Lelia C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Johan Warnock	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lizzie Pharis	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	643
Mary E Thornton	D	3183	Dora Crane	R	628
[illegible]	R	4	Andrew Sitrell	R	642
[illegible]	R	5	John Sitrell	R	642
[illegible]	R	10	Lillie May Wilson	R	643
[illegible]	R	19	Ollie A Barger	R	656
[illegible]	R	41	Ida Hawkins	R	671
[illegible]	R	45	Lizzie Davis	R	761
[illegible]	R	61	Clara M [illegible]	R	807

Cherokee MM 7

Muskogee, Indian Territory, February 28, 1907.

George W. Vann,

Benge, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, declining to receive or consider the application for the enrollment of Paul Whitmire as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. F-11.

Register.

Cherokee D
574

Muskogee, Indian Territory, March 14, 1907.

William H. Lyman,

Vann, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

RP!

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-100
LWC

Cher R 1125

Cher R 1125

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 15, 1906.

In the matter of the application of John P. Davis for the enrollment of himself and children as Cherokees by blood and his intermarried [illegible]; being duly sworn and examined by Commissioner Breathitt, testifies as follows:

Q What is your name? A John P. Davis.
Q What is your age? A 31.
Q What is your post office address? A Nowata, I.T.
Q What is your present occupation? A Farmer.
Q Are you a member of the Cherokee Nation? A Yes, sir.
Q By what? A By, sir, blood.
Q How much Cherokee blood do you claim? A About 1/16.
Q Are you applying for enrollment? A Myself, wife and two children.
Q What is your wife's name? A Charley Davis.
Q Is she living? A No, sir.
Q What was her maiden name? A [illegible].
Q Is she living? A No, sir.
Q What is your wife's name? A [illegible] Davis.
Q Is she living? A No, sir.
Q What was her maiden name? A [illegible].
Q Are you living with your wife? A [illegible].
Q Are you living with your wife? A [illegible].
Q Are you living with your wife

names willbe placed upon a doubtful card, he and his childrens Cherokees by blood, and his wife, as a Cherokee by intermarriage. In order to complete the enrollment of his youngest child, Pluma, it will be necessary for him to present satisfactory proof of its birt .

-----o-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the ~~16th of October~~, 1900.

Commissioner.

SUPPLEMENTAL TESTIMONY., "D" #577.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBUARY 28th, 1901.

IN THE MATTER OF THE APPLICATION OF John P. Davis - Supplemental - Case "D" #577.
Joe Wafford, being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name? A Joe Wafford.
Q What is your age? A I am forty six.
Q What is your Postoffice? A Rex.
Q Are you a citizen of the Cherokee nation? A Yes, sir.
Q Do you know John P. Davis? A Yes, sir.

By John P. Davis: I want to prove that I was here in the year of '80 and I am a Cherokee citizen by blood; I can not be found on the '80 Roll.

Commissioner T. B. Needles:
Q Mr. Wafford, how long have you known John P. Davis?
A All his life.
Q What is his father's name? A Charley Davis.
Q Is he living? A No, sir.
Q What was his mother's name? A Dora Shelton was her maiden name.
Q Is she living? A No, sir.
Q Was she a Cherokee by blood? A Yes, sir.
Q His name is not found on the roll of 1880; do you know why it is not there? A No, sir, I don't.
Q His father and mother are both dead, are they? A Yes, sir.
Q You say you have known this man ever since he was born?
A I have known him all his life.
Q Has he always lived in the Cherokee nation? A Yes, sir, he was raised in the Cherokee nation.
Q What degree of Cherokee blood has he, do you know?
A No, sir, I do not.
Q Was his father a white man or Cherokee? A Cherokee.
Q Was his mother a white woman or a Cherokee? A She was a Cherokee.
Q Is your wife a sister to John P. Davis? A Yes, sir.
Q Full sister? A Yes, sir.
Q Is she younger or older than he? A Younger.
Q Is her name on the roll of 1880? A Yes, sir.
Q Were they living together when they were children? A Yes, they lived together; they lived with an uncle at Tahlequah a while and then went to the orphan asylum.
Q Both went to school at the orphan asylum? A Yes, sir.
Q How much older is your wife than he? A I believe she's two years younger as well as I recollect.
Q What is your wife's name? A Nannie Davis was her name.
Q Who was your wife living with along about '80? A I don't remember who she was living with.

Commissioner T. B. Needles to John P. Davis:
Q Is Nancy or Nannie a full sister of your's? A Yes, sir.
Q And Elizabeth? A She's a full sister; that is all of us; I mean also at the orphan asylum.

Com'r. T. B. Needles: Upon an examination of the Rolls of the Cherokee nation the applicant's full sisters, Elizabeth and Nannie Davis are found on the Roll of 1880; his uncle Albert Davis and his cousin Sarah Davis are also found upon the authenticated roll of 1880.

SUPPLEMENTAL TESTIMONY. "D" #577.

JOE WAFFORD, recalled, testified:
Com'r. T. B. Needles:
Q Have you known this boy for the last twenty years? A Yes, sir.
Q Do you know that he has lived in the Cherokee Nation continuously since 1880 all the time? A He has been here ~~principally~~ the principal of the time; he took a little jaunt out to Colorada a while ago.
Q That was since he was grown? A Yes, sir.
Q Do you know his father and mother were citizens? A Yes, sir.
Q And that he is living in the Cherokee nation? A Yes, sir.

HARRIS SISSON, being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q What is your name? A Harris Sisson.
Q How old are you? A Forty one.
Q What district do you live in? A Illinois.
Q What is your Postoffice? A Whybark.
Q Do you know John P. Davis? A Yes, sir.
Q How long have you known him? A About twenty years I guess.
Q Did you know his father and mother? A Yes, sir.
Q Were they Cherokee citizens? A Yes, sir.
Q His name is not on the roll of 1880; do you know why? A No, sir I do not; he was in the country at that time.
Q Do you know where he was born? A No, sir, I do not.
Q How old was he when you first knew him? A He was about eight or ten years old, I guess.
Q His father was a Cherokee citizen by blood? A Yes, sir and his mother too.
Q His father is not living now? A No, sir.

By Mr. W. W. Hastings, Cherokee Representative:
Q Where were you born? A At Mt. Gibson on the Verdi Cria.
Q In the Cherokee nation? A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir., always lived in the Cherokee nation.
Q Your mother's name was Dora? A Yes, sir.
Q What was her maiden name? A Shelton.
Q Was she a Cherokee by blood? A Yes, sir.
Q Was your father a Cherokee? A Yes, sir.
Q How many brothers have you? A I had two sisters and one brother, but my brother died when he was three or four days old.
Q Is this sister a full sister of your's? A Yes, sir.
Q Same father and same mother? A Yes, sir.
Q Now what is her present name? A Nannie Wafford.
Q What is her Postoffice? A Porrette.
Q Have your rights in the Cherokee nation ever been disputed? A No, sir, I have drawed any time any money was paid out, and I don't see why I signed the 'AC Roll.
Q You have lived here all your life? A Yes, sir., I was took to the country in the Spring of 1868.
Q Where have you been living for the last four or five years? A Part of the time in Caney and eighteen months I was out in Colorada.

Commissioner T. B. Needles:
Q Were you living in Colorada with your family? A No, sir, my family came out there and came back when I came back.
Q How long did you live in Colorada? A I never did live there; I was out there about fifteen months.
Q Did you keep house out there? A No, sir, my furniture and belongs was here in the Cherokee nation.

Q What were you doing there? A Working in the roller mills.
Q Was that the first time you had ever been out of the Cherokee Nation?
A The first time I had ever been out of the Cherokee Nation in my life.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of Febuary, A. D., 1901.

COMMISSIONER.

"R"

Cherokee D 577

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John P. Davis for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:
Applicant in person, and by attorney, J.Howard Langley, of Pryor Creek, Indian Territory;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for the enrollment of himself, wifeand children as citizens of the Cherokee Nation would be taken up by the Commission at its offices in Muskogee, Indian Territory on the 5th day of March,1902; the applicant this day, to-wit: the 5th day of March,1902, appears in person and by his attorney, J. Howard Langley, Pryor Creek, I. T.

JOHN P. DAVIS, the applicant, re-called by the Cherokee Nation for additional cross-examination, and being sworn and examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A John P. Davis.
Q John was notice sent you to appear here to-day? A Yes sir.
Q How many did you get? A Two.
Q Who did you get them from? A Got one from W.W.Hastings and got one from Starr.
Q Did you get one from the Dawes Commission? A Yes sir.
Q Where did you receive them? A Laramie City, Wyoming.
Q When? A On the 22nd ax and the 23rd day of February.
Q Have you some children? A Yes sir.
Q How many? A Two.
Q You applied for those two children before? A Yes sir.
Q How old is the oldest one? A She is seven years old the 21st day of last October.
Q Where are these children? A They are in Wyoming.
Q You applied for a wife when you appeared before the Commission before? A Yes sir.
Q What was her name? A Grace Watts Grace Davis now.
Q She the mother of these two children? A Yes sir
Q You were married to her? A Yes sir.
Q Are you and she living together now? A No sir
Q She is a white woman? A Yes sir.
Q Neither of you had ever been married before? A No sir.
Q How long have you been separated? A Well something over a year; year last November.
Q Where were you living when she separated from you? A In Collinsville, Indian Territory.
Q What was the cause of the separation? A I couldn't tell you hardly. What was the cause of it?
Q Did she leave you or you her? A She left me.
Q What about the children? A Although these children I kept the children, the children stayed with me.
Q How old was the oldest one? A She was something over two years old at that time; she will be four years old this coming May.
Q She left the two children with you? A Yes sir.
Q Just quit you? A Yes she went away.
Q You know where she is living now? A Why not exactly; she was here possibly in Muskogee.
Q In Muskogee? A And Muskogee yes sir.
Q You are not living together now? A No sir.

Q Neither sued the other for a divorce? A No sir.
Q How long have you been in Wyoming? A I have been in Wyoming since the 9th day of last June, I went to work on last June.
Q June 1901? A Yes sir, last year.

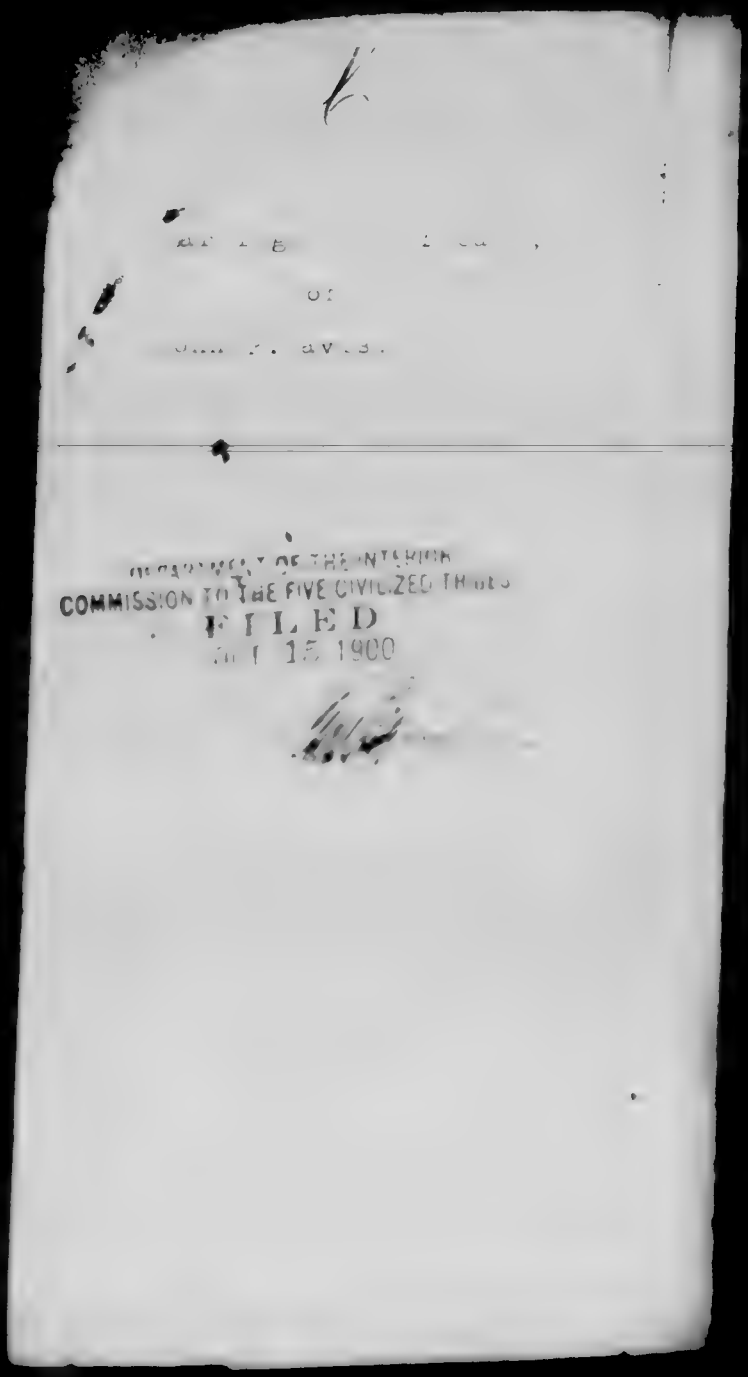
BY MR. LANGLEY:

Q Mr. Davis, I believe in your testimony upon your original application for enrollment to this Commission you stated that you were born in the year 1873? A Near about that time, yes.
Q Under the Cherokee law when would you have become of age, or in common parlance when would you have become your own man?
A 18 I suppose.
Q That would make you of age in 1891 wouldn't it, Mr. Davis?
A Yes, I suppose it would.
Q Did you own any property in the Cherokee Nation in 1891? A Yes sir
Q What property did you own?A I owned a farm known as the Brown place now, at that time.
Q When was the first time yo u ~~acquired~~ quit, left or moved out of the limits of the Cherokee Nation after 1891, if you remember?
A Why it was in the summer after the old settler payment, '95 I suppose, somewheres along there. I think that was in '95, it was after the payment at Fort Gibson.
Q Where did you go to then? A Me: I went to Colorado Springs.
Q Where is that? A Colorado.
Q Did you have any property in the Cherokee Nation when you left at that time? A Yes sir.
Q What property did you leave? A I left my farm on the Caney river.
Q Was it in the possession of a tenant? A Yes sir.
Q Did you receive the rent from that farm during your absence?
A Yes sir.
Q Have you owned property, a farm in the Cherokee Nation during all the time of your absence since 1891? A Yes sir.
Q In the possession of a tenant? A Yes sir.
Q And received rents from that farm? A Yes sir.
Q Do you own a farm in the Cherokee Nation now? A Yes sir.
Q In the possession of a tenant?A Yes sir.
Q Do you receive rents from that farm? A Yes sir.
Q Where is it? A Two miles west of Pryor Creek Station.
Q Do you own any property in Wyoming, your present post-office address, or your post-office address at the time this notice was sent to you? A No sir.
Q Do you own a residence? A No sir.
Q What is the nature of your occupation there? A I am working ther for the Colorado Fuel and Iron Company, in the rolling mills.
Q Have you exercised the elective franchise or cast a vote in any state or government outside of the Cherokee Nation? A No sir.
Q Have you ever or do you now own any property outside of the Cherokee Nation? A No sir, not even a bed blanket.
Q Do you board in Wyoming where you are now? A Yes sir, I do. yes sir, board myself and children.

MR. [illegible] waives cross examination.

[illegible]: The attorney for the applicant and the representatives of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted ten days in which to file a brief in the case, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

I, [illegible] hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.


DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 15 1900

-Marriage Certifcate-

Cherokee Nation ,Cooweecoowe District.

This certifies that John P.Davis of Pryor Creek Indian Territory,and Miss Gracia Washim of Pryor Creek Indian Territory were at Pryor Creek in said Distr ct,by me joined together in-Holy Wedlock-,on the third-3 day of January,in the year of our Lord, One Thousand Eight [illegible] Ninety Four-1894-.

S.B.Bryant,

Minister of the Gospel.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **February 13,** 1902.

Mr. John P. Davis,

Pryor Creek, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself, your wife and two minor children**

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 5th day of March, 1902,

On said date you may, if you desire, appear before the Commission in person or by attorney, and present such evidence as you may deem necessary and material affecting your application.

You are further notified that the Commissioner of the Cherokee Nation will also, at the same time, be present at the Commission to exercise the rights conferred upon him by the act of Congress approved June 10, 1896, and will be prepared to present such evidence as may be in his possession, which may be material to the case.

Cherokee D-677
Reg'ster.

[redacted]
Commissioner in Charge.

D.

INDIAN TERRITORY.

CHEROKEE NATION

I hereby certify that I served the within

by delivering a true copy thereof on the

day of A. D. 190

day of A. D. 190

NOTICE!

IN THE MATTER OF the application of John P. Davis,

for enrollment as Cherokee citizens:

Case No. D 577.

To John P. Davis, Lariat, Texas:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 5th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof the undersigned representatives of the Cherokee Nation have hereunto set our hands this 21st. day of Jan, 1902.

W. W. Hastings

Attorney for the Cherokee Nation

Cherokee D 877

Muskogee, I. T., July 3, 1902.

J. Howard Langley, Esq.,

Pryor Creek, Indian Territory.

Sir:

Mrs. Gracia Davis has been notified to appear before this Commission at its office in Muskogee, Indian Territory, on or before July 19, 1902, and submit further evidence regarding the separation of herself and husband, John P. Davis. This evidence is very important in the further consideration of the matter of the application for her enrollment as a citizen of the Cherokee Nation. The testimony taken in the matter of the application for the enrollment of John P. Davis et. al. since the separation of John. P. Davis and his wife does not disclose definitely the residence of Gracia Davis.

If Mrs. Davis is not at present represented by you in this matter please inform this Commission where her residence now is if this is known to you.

Yours truly,

Register

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALLISON L. ARESON, SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 577

Muskogee, I. T., July 3, 1902.

Mrs. Gracia Davis,

Wagoner, Indian Territory.

Madam:

In the matter of the application for your enrollment as a citizen of the Cherokee Nation it is very important that you appear before this Commission at its office in Muskogee, Indian Territory, on or before July 19, 1902, and submit evidence regarding the separation of yourself and husband, John P. Davis.

Yours truly,

Commissioner in Charge.

Register

Cherokee D-577

Muskogee, Indian Territory, July 18, 1902.

J. Howard Langley,

Attorney at Law,

Prior Creek, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of July 15, stating that you do not represent as attorney Mrs. Grace Davis, but that from inquiries, you are advised that she is now in Muskogee.

Your letter has been duly noted.

Yours truly,

Commissioner in Charge.

Cherokee-577

Muskogee, Indian Territory, July 24, 1902.

In the matter of the application of Gracia Davis for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

N O T I C E.

To Gracia Davis,

Muskogee, Indian Territory,

You are hereby notified to appear before the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, within fifteen days from date hereof, and submit evidence regarding your separation from your husband, John P. Davis.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY _____
Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D 577.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 11, 1902.

Gracia Davis,

Muskogee, Indian Territory,

Dear Madam:

You are hereby advised that you will be allowed fifteen days from date hereof in which to appear before the Commission at its office in Muskogee, Indian Territory, and introduce further testimony relative to your right to enrollment as a citizen by intermarriage of the Cherokee Nation.

Yours truly,

Tams Bixby

Acting Chairman.

Cherokee D-577

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 8th, 1902.

Gracia Davis,

Pryor Creek, Indian Territory.

Dear Madam:

The Act of Congress, approved July 1, 1902, and entitled "An Act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," Public No. 241, provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two."

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be in session at Muskogee, Indian Territory, until [illegible], 1902, inclusive, for the purpose of affording persons who have not been enrolled, or who have not, between the date of their enrollment and Sept. 1, 1902, made application for their enrollment, an opportunity to make such application.

Very truly,

Acting Chairman.

COPY.

Cherokee
D-577

Muskogee, Indian Territory, November 9, 1904.

J. Howard Langley,

Attorney for John F. Davis, et al.

Pryor Creek, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of October 25, relative to the enrollment of John F. Davis and [illegible] minor children as citizens by blood of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case, but that such action will probably be taken in the near future.

You are further advised that the applicant will not be permitted to make allotment selections for himself and his said minor child or until their citizenship shall have been finally approved by the Secretary of the Interior.

Respectfully,

Tams Bixby
Chairman

COPY.

Cherokee D-577.

Muskogee, Indian Territory, February 24, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for the enrollment of John P. Davis and his minor children, Gertrude and Pluma Davis, as citizens by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. L-36.

COPY.

Cherokee D-577.

Muskogee, Indian Territory, March 16, 1905.

J. Howard Langley,
Attorney for John P. Davis, et al.,
Pryor Creek, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for the enrollment of John P. Davis and his minor children, Gertrude and Pluma Davis, as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby
Chairman.

Incl. 9-17.

COPY.

[illegible]-177.

Muskogee, Indian Territory, March 16, 1901.

[illegible] D. [illegible],

Pauls Valley, Indian Territory.

Dear Sir:

There is hereby inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 14, 1901, [illegible] for the preparation [illegible] of [illegible], [illegible] and Creek Tribes, [illegible] for the Choctaw Nation.

[illegible]

[illegible]

Tams Bixby

[illegible]

REFER IN REPLY TO THE FOLLOWING

Cherokee No.

D. 577

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

Gracia Davis,

Pryor Creek, Indian Territory.

Dear Madam:

There is enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Encl. Decs. D

Commissioner.

COPY

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION.

[redacted]

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Rosie Shepard	1128
Robert G. Ulgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie L Ivey	1149
Joseph M Cottrill	1177
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Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sackster	2809
James P. Riley	2815
William Bradshaw	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Butler	[illegible]
Lena M. Hall	[illegible]
John R. [illegible]	[illegible]
Ira W. Wagner	[illegible]
John B. Hoffman	[illegible]
Lena O. Hutchinson	[illegible]
Opal L. Mason	[illegible]
Elsie Gilliland	[illegible]
Margaret Hoagland	[illegible]
Winfield S. Jones	[illegible]
Benjamin F. Butler	[illegible]
Minnie Longworth	[illegible]
Nathan D. [illegible]	[illegible]
Anna A. Wilson	[illegible]
Ophelia Lewis	[illegible]
Richard B. Gilbert	[illegible]
Lena K. [illegible]	[illegible]
Anna D. Thompson	[illegible]
Martha F. Cantrell	[illegible]
Cecil E. Lewis	[illegible]
Courtney A. Butler	[illegible]
Anna M. Rose	[illegible]
Ella Rutherford	[illegible]
Arthur E. Jenkins	[illegible]
Claude Starling	[illegible]
Rachael L. Parris	[illegible]

William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
John M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Jaybat L. Ellis	3491
Emma M. A[illegible]	3543
William T. Hall	3570
Mary E. Crossley	3580
[illegible] Bowman	3581
Lou J. Jones	3595
Annie Hogan	3594
Maggie V. [illegible]	3672
Ina Lamar	3676
Thomas W. Simms	3682
Nancy A. McCandless	[illegible]
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William [illegible]	[illegible]
Joseph S. Bullen	[illegible]
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Sydney E Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr	4343
Albert W Fitzsimmons	4360
George S Ford	4380
Quirk Carr	4387
William A Powell	4406
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Roxie J Ketchum	4623
Lizzie Love	4626
Robert K Wann	4632
Frederick Metzner	4633
John C Bratcher	4634
Peptow L Jones	4641
Ada Berthoff	4642
Alma Robbins	4644
Jane Dougherty	4649
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Chester C Peck	4652
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Frank J Mayberry	4656
Charles W Moore	4660
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Nora B Burgess	5236
John E Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Well-	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendrick	5278
Emma Chamber-	5328
James H Thoma-	5329
Melville B Baird	5332
James R Goodall	5356
Charles Horton	5390
James W Goddard	5417
Dora Cox	5425
Nannie G Alberty	5448
Sallie Ward	5455
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Horace H Huddlestun	5832	George C Duffield	6031
William R Sartain	5837	Amelia Reese	6033
Joseph A Lawrence	5843	Alexander West	6036
William H Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G Langley	6038
Eum M Young	5852	John T Hem	6042
Mary C Barnes	5853	Mary I Jordan	6048
Matilda Thompson	5864	John W Bradshaw	6076
William W Young	5879	Lizzie L Dean	6079
Farley E Ellis	5874	Amanda J Thompson	6082
Rosa B Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Berger	6111
Mamie Beck	5887	John D Rials	6113
Jack H Merchant	5888	John C DeLozier	6117
John D Merchant	5889	Jessie W[illegible]	6118
Sarah T Glenville	5894	Mose A Clark	6124
Jerry Young	5900	Mary I [illegible]	6126
Jesse H Bell	5916	[illegible] Vaught	6136
Mary Hicks	5939	W[illegible] A [illegible]	6138
George W Wise	5942	[illegible] B [illegible]	6144
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James J Snider	6375
William H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William A Lick	6392
William O Ames	6394
Thomas Wilkerson	6396
Alice C Spurgeon	6407
Laura N Watt	6413
Lillie M Adair	6424
Mark I Mathews	6428
Ida L Wilson	6431
George I Mast	6441
Jesse S Reese	6445
Daniel A Seese	6447
Henry L Dunn	6450
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James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto L Zuhlff	7149
Robt M Norman	7155
Mary L Peterson	7158
Vina West	7159
James M Conrad	7161
Charles M Crowell	7163
Eunice L McClure	7171
Benjamin B Gardner	7176
Ada Phelps	7180
William L Wilson	7184
Eustace B Pitts	7191
Phebe Shultz	7240
Hester A Mast	7252
Margie B Patterson	7255
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George E Watkins	9552	John B Delay	9881
Florence Henry	9553	Pearlee Thompson	9882
Jesse H Johnson	9560	Guenther W Werther	9883
Lydia B Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L Morris	9889
Lance L Petty	9563	Sarah L Rogers	9891
Lester McCrary	9566	Stephen Duncan	9892
Joel D Smith	9568	Gideon D Sleeper	9895
Wallace T Cave	9572	William A Maddox	9896
William Bagley	9577	John H Horton	9904
Lucie M Smith	9582	Howe L Rogers	9905
John L Nazworthy	9583	William Rust	9912
Beverly L LaFon	9587	George W Edens	9916
Robert L Green	9590	William H Hall	9920
John C Barker	9591	Edith B Thomas	9935
John P Greenhaw	9593	Carrie A Collins	9936
Henry H Hicks	9596	Lucinda Sydnor	9937
Lyle Cromwell	9598	Ella L Hall	9939
Van A Hodges	9599	Lula W Hall	9949
William C M Robinson	9600	Harrison Elmo	9951
Woodrow Hicks	9602	[illegible]	9954
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John J Dameron	10035
William Warner	10036
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William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kaldy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hyman	D	149
David A. McCartney	D	161
Maggie [illegible]	D	169
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Rhoda A Sanders	D	878
Manuel Spencer	D	884
Benjamin H Hulbert	D	891
Mary Brassfield	D	935
James L Tindle	D	944
Silas G Reneckar	D	966
Eliza Wofford	D	967
Jasper L Newton	D	971
John N Gunn	D	974
Hannah Parson	D	989
Nellie C Helterbrand	D	1003
Thomas J Weldon Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M Jones	D	1022
Reuben A Lyon	D	1032
Carrie H Cotter	D	1040
John M Bates	D	1060
Sarah E Herbert	D	1078
Laura D Herbert	D	1080
Hattie E Dowling	D	1088
Benjamin F Cox	D	1090
Benjamin Strickland	D	1092
Nancy Strickland	D	1093
Annie Wilson	D	1100
Lula H Mitchell	D	1102
Gustave W Mayer	D	1103
Lillie Cagle	D	1104
Jessie Hughes	D	1105
Frankie E Bird	D	1106
Marion Cox	D	1107
Columbus Johnson	D	1108
Edmonia Johnson	D	1109
Sarah J Allison	D	1110
Jacob A Sadler	D	1111
Lucy E Mitchell	D	1112
Virginia M Hays	D	1113
James B Sparks	D	1114
Annie Allen	D	1115
Ella E Vann	D	1116
Bell Vann	D	1117
Joe W Vann	D	1118
Richard L Lockhart	D	1119
Lucy Lockhart	D	1120
Ella Vann	D	1320
Lonnie Wofford	D	1330
Minnie Downing	D	1332
Katie Ruder	D	1334
Samuel G Mell	D	1337
Alfred H Wood	D	1342
Charles W Hooper	D	1352
Susie M Sandifer	D	1361
Martha J Hooper	D	1363
Samuel M Cooper	D	1367
Roger Scott	D	1369
Lucian H Wilson	D	1375
Mary Mann	D	1433
S L Mann	D	1434
Allen Sandifer	D	1448
Lucius Vann	D	1458
Mamie Bowden	D	1474
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Albert C Dykes	D	2703
Delora Drew	D	2704
Frank F Dandenson	D	2705
James Gafford	D	2708
Anna L Harbin	D	2715
William R Lapsley	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D Matheson	D	2723
Mary McIntosh	D	2725
Bertha Nuhiffer	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
Irene Riley	D	2739
William H Rowley	D	2740
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Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Leha C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Julian Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lazzie Pharis	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary I Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Lourie G Thompson	R	5	John Sitrell	R	642
[illegible] T Kelly	R	10	Lillie May Wilson	R	643
[illegible]	R	19	Ollie A Barger	R	650
[illegible]	R	41	Ida Hawkins	R	671
[illegible]	R	45	Lizzie Davis	R	761
[illegible]	R	61	Clara M [illegible]	R	803

REFER IN REPLY TO THE FOLLOWING:

Cherokee D 577

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Gracia Davis,

Pryor Creek, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 19, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

Commissioner.

EPI

Cherokee
et al.

Muskogee, Indian Territory, March 14, 1907.

W. T. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. 2-1000
LMC

Cher R1126

Trans from Cher D578

See Testimony in Cher R1072

Cher R1126

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 15 1900

ACTING CHAIRMAN

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

52

Date OCT 15 1900 1900.

Name John Dawson (Wasson) 29

District DELAWARE. Year 1896 Page 1164 No. 111

Citizen by blood Full Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Sarah A. Dawson

District DELAWARE. Year 1896 Page 164 No. 111

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Rejected

Names of Children

[illegible]	Dist. [illegible]	Year [illegible]	Page 1164	No. 1119	Age 18
[illegible]	Dist. DELAWARE.	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
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[illegible]	Dist. [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
[illegible]	Dist. [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age 10
[illegible]	Dist. [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
[illegible]	Dist. [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
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[illegible]	Dist. [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
[illegible]	Dist. [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]

5978

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., October 15, 1900.

In the matter of the application of John Dawson for the enrollment of himself and children as Cherokees by blood, and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A John Dawson.
Q What is your age? A 52.
Q What is your post office address? A Wasson.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A 1/16.
Q Your name on the roll of 1880? A No, the roll of 1896 I believe.
Q I asked you if it is on the 1880 roll? A I don't think it is.
Q By what right do you claim citizenship, got any proof of citizenship? A Yes sir.
Q Applicant presents a certificate of citizenship issued from the office of the Commission on Citizenship at Tahlequah January 11, 1883, signed by Thomas Teehee, President of the Commission, Alex Wolf and T. F. Thompson, Commissioners, approved by D. W. C. Duncan, Clerk of the Commission, attested by John L. Adair, Assistant Executive Secretary, under the seal of the Nation. In this certificate I find the name of John Dawson. Are you the identical John Dawson mentioned in said certificate? A Yes sir.
Q For whom do you apply for enrollment? A About nine of us I guess
Q Who do you apply for? A Myself, wife and children.
Q What is the name of your wife? A Sarah J. Dawson.
Q She a citizen by blood? A No sir, an adopted citizen.
Q What was her name before you married her? A Sarah Wood.
Q When did you marry her? A About 30 years ago I believe.
Q Was she admitted to citizenship at the same time you were? A No sir, they said there wasn't any use, they came in as we did.
Q When were you married to her? A It has been about 30 years ago.
Q Was she a white person? A Yes sir.
Q Have you any children under 21 years of age? A Yes sir.
Q What are their names? A Robert B., 18 years old.
Q ~~Proceed next & Lula May, 17 years old.~~
Q The name of the next one? A Lula May, 17 years old.
Q The name of the next one? A Lemuel H., he is 15.
Q The next? A Rosa Belle, 14 years old.
Q Well, the next? A Charles B., 12 years old.
Q The next one? A Hattie John, she will be 7.
Q The next? A Jennings Bryant, 4 years old.
Q The next? A James D. Dawson, he isn't on the roll, I have a certificate for him, two years old.
Q Have you any proof of marriage? A Yes sir.
Applicant presents satisfactory proof as to the birth of his youngest child, James Clifton Dawson. Applicant also presents satisfactory proof of marriage to one Sarah Wood, a then citizen of the Cherokee Nation, said marriage being solemnized in Tahlequah District, I.T., on the 9th day of December, 1869.
John Dawson on 1896 roll, page 442, No. 934, Delaware District. Sarah J. Dawson on 1896 roll, page 442, No. 940, Sarah Jane Dawson, Tahlequah District. Robert B. Dawson on 1896 roll, page 442, No. 938, Robert Benton Dawson, Delaware District. Lula May Dawson on 1896 roll, page 442, No. 939, Lula May Dawson, Delaware District. Lemuel H. Dawson on 1896 roll, page 442, No. 941, Lemuel Hendrix Dawson, Delaware District. Rosa Belle Dawson on 1896 roll, page 442, No. 936, Delaware District. Charles B. Dawson on 1896 roll, page 442 No. 937, Charles Benjamin Dawson, Delaware District. Hattie John Dawson on 1896 roll, page 442, No. 934, Delaware District. Jennings Bryant Dawson on 1896 roll, page 442, No. 943, Delaware District
Q How long have you lived in the Cherokee Nation? A 27 years.
Q Continuously? A Yes sir.

Q These children all alive and living with you at this time?
A Yes sir.

The name of John Dawson and his wife, Sarah J., are not found upon the authenticated roll of 1880, but he presents a certificate of admission to citizenship more particularly described in the testimony, certifying that he was declared a citizen by blood in the year 1883. The name of his wife, Sarah J., to whom he avers he was married in the year 1871, does not appear on the certificate of admission, and no proof is presented that she was admitted as a citizen of the Cherokee Nation by intermarriage. He presents satisfactory proof as to his marriage having occurred in the State of Arkansas, she being a non citizen. Her name is found upon the census roll of 1896, as well as the name of John Dawson, and their children as enumerated in the testimony, with the exception of the youngest child, James U., and he presents satisfactory proof of birth as to said child. From the fact that the name of his wife, Sarah J. Dawson does not appear in the certificate of admission that he presents, final judgement as to her enrollment as a Cherokee citizen by intermarriage will be suspended, and her name will be placed upon a doubtful card. From the further fact that the representatives of the Cherokee Nation prótest against the enrollment of the said John Dawson and family as Cherokee citizens by blood, contending that their admission was procured by fraud, final judgement as to the enrollment of the said John Dawson and his said children will be suspended, and their names will also be placed upon a doubtful card.

--------o--------

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 11th of October, 1900.

(Signed) T. B. Needles.
Commissioner.

Louise Smith, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that same is a true and complete copy of a document on file with the Commission.

Subscribed and sworn to before me this August 20, 1904.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 15, 1900.

In the matter of the application of John Dawson for the enrollment of himself and children as Cherokees by blood, and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A John Dawson.
Q What is your age? A 59.
Q What is your post office address? A Wagoner.
Q What district do you live in? A Delaware.
Q Are you recognized citizen of the Cherokee Nation? A Yes, sir.
By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A 1/16.
Q Your name on the roll of 1880? A No, the roll of 1896 I believe.
I asked you if it is on the 1880 roll? A I don't think it is.
Q By what right do you claim citizenship, got any proof of citizenship? A Yes, sir.
Q [illegible] certificate of citizenship issued from the office of the Commission on Citizenship at Tahlequah January 11, 1883, signed by [illegible], President of the Commission, Alex Wolf and [illegible], Commissioners, approved by [illegible] C. Duncan, Clerk of the Commission, attested by John L. Adair, Assistant Executive Secretary, with the seal of the Nation. In this certificate I find the name of John Dawson. Are you the identical John Dawson mentioned in said certificate? A Yes, sir.
Q How many in your family for enrollment? A About nine of us I guess.
Q Are you only [illegible] yourself, wife and children.
[illegible] Samuel J. Dawson.
[illegible] A No, sir, [illegible].
[illegible] A Very good.
[illegible] A About 8 years ago I believe.
[illegible] A No, sir, they were in their mid.
[illegible] A It was about 22 years ago.
[illegible] A Yes, sir.
[illegible] A Yes, sir.
[illegible] A Grant D., 18 years old.
[illegible] A John Guy, 19 years old.
[illegible] Samuel D., he is 15.
[illegible] A Nellie, 14 years old.
[illegible] A Charley D., 1 years old.
[illegible] A Little Grant, one will be 7.
[illegible] A Jennie Bennett, 4 years old.
[illegible] A Jessie Anthony, he isn't on the roll, I have a certificate for him, six years old.
[illegible] A Yes, sir.

(I don't consider testimony taken at this place of any great benefit. I do not think it satisfactory proof of marriage to one female first, a full citizen of the Cherokee Nation, and marriage into citizenship to second wife, and on the [illegible] day of October, 1871.)

[illegible] Dawson on 1880 roll, page 442, No. 998, Delaware District.
[illegible] Dawson on 1880 roll, page 442, No. 999, Delaware District.
[illegible] Dawson, Delaware District. John Guy Dawson on 1880 roll, page 442, No. 1000, Delaware District.
[illegible] Samuel D. Dawson on 1880 roll, page 442, No. 1001, Delaware District.
[illegible] Delaware District. Nora Belle Dawson on 1880 roll, page 442, No. 1002, Delaware District.
[illegible] Charley Dawson on 1880 roll, page 442, No. 1003, Delaware District.
Nellie John Dawson on 1880 roll, page 442, No. 1004, Delaware District.
[illegible] Dawson on 1880 roll, page 442, No. 1005, Delaware District.
[illegible] A Yes, sir.

Q These children are alive and living with you at this time?
A Yes, sir.

[illegible] of John Gerson and [illegible], Mrs. J., [illegible] and upon [illegible] roll of 1896, [illegible] citizenship, particularly [illegible] in the testimony, [illegible] to be [illegible] citizen by blood in the year 1882. [illegible] of his wife, Mrs. J., to whom he was married in [illegible], [illegible] on the [illegible] citizen of the [illegible] by intermarriage. [illegible] born in the State of Arkansas, [illegible] was born. [illegible] and upon the [illegible] roll of 1896, [illegible] of John Gerson, [illegible] dated in [illegible], with the exception of the [illegible] child, Jesse H., [illegible] preliminary proof [illegible] Mrs. J. [illegible], or near [illegible] will be [illegible] proof-

[illegible] to

[illegible]

Cher
Supp'l to D 578

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 20, 1902.

In the matter of the application of JOHN DAWSON, for the enrollment of himself and his children, ROBERT B., IOLA M., LEMUEL H., ROSIE B., CHARLES B., HATTIE J., JENNINGS B., JAMES U. and VERGAL C. DAWSON, as citizens by blood, and his wife SARAH J. DAWSON, as a citizen by intermarriage, of the Cherokee Nation:

JOHN DAWSON, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A John Dawson.
Q What is your age ? A Fifty five.
Q Your post office ? A Wasson.
Q Are you the same John Dawson that made application to the Commission for enrollment as a citizen by blood of the Cherokee Nation in October, 1900 ? A Yes sir.
Q What is your wife's name ? A Sarah J. Dawson.
Q Is she a white person ? A Yes sir.
Q Is she an applicant for enrollment as an intermarried citizen ?
A Yes sir.
Q When were you married to her ? A Thirty two years ago.
Q Where were you married ? A In Arkansas.
Q How long after your marriage before you came to the Cherokee Nation ? A I have been here eighteen years.
Q Were you admitted to citizenship after your marriage ?
A Yes sir.
Q Have you lived in the Cherokee Nation all the time for the past eighteen years ? A Yes sir.
Q You were never re-married to Sarah after your re-admission ?
A No sir. They said it wasn't required.
Q Have you and your wife Sarah lived together from the date of your marriage up to the present time ? A Yes sir.
Q Have never been separated ? A No sir.
Q Were you living together as husband and wife on the first day of September, 1902 ? A Yes sir
Q Are these children, Robert B., Iola M., Lemuel H., Rosie B., Charles B., Hattie J., Jennings B , James U. and Vergal C., all your children by your wife Sarah ? A Yes sir
Q Are these children all living at this time ? A Yes sir
Q Have they all lived in the Cherokee Nation for the past eighteen years, or since their birth ? A Yes sir

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof

Subscribed and sworn to before me this November 19, 1902

Notary Public

D 578

State of Arkansas }
County of Carroll }

I Marion Trantham a regular ordained minister of the gospel of the M. E. Church South did on the 4th day of October A. D. 1871 solemnize the rights of matrimony between John Dawson age 24 and Sarah Wood age 16 and by the consent of her parents, all of Carroll County Ark. Done according to the usages of the M. E. Church South

Given under my hand this 1st day of Oct. 1871

Marion Trantham

Filed and duly recorded on this 28th day 1871

[illegible]

State of Carroll }
County of Carroll }

[illegible]

D 578

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

. F. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 13, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William T. Dawson, Lizzie Atkins, Arthur Atkins, Edna F. Atkins, Edward C. Atkins, George J.F. Atkins, Francis M. Dawson, Jr., Samuel H. Dawson, August Dawson, Katy Dawson, Robert Dawson, Albert H. [illegible], Ralph W. Dawson, Alford Dawson, Libertine Delaway, Dora Delaway, Ida Delaway, Nellie Delaway, Florence Delaway, Ray Delaway, Homer Delaway, John W. Dawson, Katie Dawson, Jack Dawson, Robert E. Dawson, Lula M. [illegible], Samuel H. Dawson, Rosa V. Dawson, Charles [illegible] Dawson, Hattie [illegible], Jennings B. Dawson, James T. Dawson, Vernal C. Dawson, Thomas F. Dawson, Marion F. Dawson, Lula M. Dawson, Mary W. Dawson, James T. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles [illegible] Pierce, Ona Dawson Donnellay, Walter Dawson, Effie Dale, Henry J. Dugle, James E. Dugle, Edna J. Dugle, Anna [illegible] Dugle, Marvin E. Dugle, Edward Dugle, Baby Keith Dugle, Joseph H. Dawson, Florence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Erskine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Jere Moore, Walter Moore, Clara Moore, Ora Moore, James T. Moore, Edna T. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Albert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James [illegible] Blasingame, William A. Blasingame, George L. Blasingame, [illegible] Blasingame, Anna Patterson, Sarah A. Patterson, Martha A. Patterson, Floyd A. Patterson, Edgar T. Patterson, Thomas M. Patterson, Vergil V. Patterson, [illegible] Dawson, Robert E. Dawson, Elbert E. Dawson, Ralph E. Dawson, Millard V. Dawson, Ina B. Dawson, Ella L. Chickerman, Hellen I. Chickerman, William [illegible] Chickerman, Missouri [illegible], Tonia V. [illegible], Albert J. [illegible], [illegible] Graham, John [illegible], Julius W. [illegible], Frances T. [illegible], Mary E. [illegible], Jesse B. [illegible], [illegible] Graham, Viburnum J. [illegible], Lawrence A. Patrick, Ada [illegible], [illegible], [illegible], Jane T. [illegible], Jay [illegible] Patrick, Everett A. Patrick, [illegible], [illegible], [illegible], [illegible] Graham, William C. [illegible], [illegible], [illegible], Margaret Lee Graham, [illegible], [illegible], [illegible],

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, [illegible] Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, [illegible] D. Douthitt, Laverna A. Fishback, William A. Fishback, [illegible] Fishback, Florence Morgan, Clide Morgan, Alice A. [illegible], [illegible] Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment [illegible] Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. [illegible], August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie [illegible], [illegible] Bogle, Florence Dawson, Martha A. Dawson, Charles [illegible], Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, [illegible] Watson, Sarah J. Bowman (nee Jones), John W. Graham, [illegible] Graham, Harvey A. Painter, Charles T. Bradshaw, Bessie [illegible], James F. Bowman, William C. Lemon, Millie F. Dawson, [illegible] T. Richardson, Melissa A. Dawson, [illegible] I. Weddle, and Alonzo W. Fishback as citizens by intermarriage of the Cherokee [illegible] transfer the application for the enrollment of Arizona Alford, William E. Alford, Charlie M. Dawson, Dale Jackson, Lonnie Wright, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, [illegible] Lowe, Selma Lowe, Roberta Lowe and Rosa Lowe as citizens by [illegible] of the Cherokee Nation, and for the enrollment of Lizzie [illegible] and George A. Mabry as citizens by intermarriage of the [illegible] Tribe, and withdrawing the application for the enrollment [illegible] Pierce, Carl Dawson, Green W. Jackard, Alice Graham and [illegible] Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you [illegible] as the Commission is informed of same.

You are requested to forward to the Commission two copies of your original brief in this case, in order that the same may be incorporated in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) [illegible]

Acting Chairman.

[illegible]

File with Cherokee R-12, Etta Brauer.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILISED TRIBES.

In the matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, consolidating the applications of,

Francis M. Dawson et al	Cherokee	D.	324
John Dawson,	"	D	580
William R. Dawson,	"	D	581
Andrew C. Atkins, et al	"	D	584
Francis M. Dawson, Jr.	"	D	588
Arizona Allred, et al	"	D	835
Samuel R. Dawson, et al	"	D	350
Robert Dawson,	"	D	352
Albert M. Dawson, et al	"	D	358
August Bulawsky, et al	"	D	365
John W. Dawson, et al	"	D	482
Katie Newman	"	D	402
John Dawson, et al	"	D	578
Thomas P. Dawson, et al	"	D	360
Orle H. Dawson, et al	"	D	530
Robert Pierce, et al	"	D	408
William Pierce,	"	D	409
Charles E. Pierce,	"	D	471
Ona Gray, et al	"	D	472
Effie Pierce,	"	D	473
John S. Bogle, et al	"	D	479
Joseph E. Dawson, et al	"	D	564
Wilborn Dawson,	"	D	476
Charles T. Moore, et al	"	D	518
James M. Dawson, et al	"	D	530
Henry A. Blasingame, et al	"	D	832
Filbert L. Blasingame, et al	"	D	833
James R. Blasingame, et al	"	D	834
Martin L. Patterson, et al	"	D	475
William C. Dawson, et al	"	D	804
Robert L. Dawson,	"	D	805
Albert L. Dawson, et al	"	D	808
Richard W. Dawson, et al	"	D	817
Nola L. Goldsmith, et al	"	D	820
Francis M. Dawson,	"	D	827
Baron J. Dawson,	"	D	830
John W. Graham, et al	"	D	27
Watson Graham, et al	"	D	34
Wallace A. Paisley, et al	"	D	836
Charles T. Brockman, et al	"	D	1184
Joe E. Graham, et al	"	D	1188
John J. Graham, et al	"	D	1189
Joe Willis Neal	"	D	1197
James W. Graham, et al	"	D	1199
Orman V. Gapinski, et al	"	D	806
James W. Dawson, et al	"	D	478
Pernelia A. Jackson,	"	D	824
Lizzie Jackson, et al	"	D	825
William E. Dawson, et al	"	D	847
James Love, et al	"	D	850
Willie C. Dawson,	"	D	403

Tennessee Copley, et al.,	Cherokee	D.	406
Henry C. Washington, et al.,	"	D.	435
Ella Bruner,	"	D.	438
Matilda A. Dawson,	"	D.	384
Alexander W. Pitchlynn, et al.,	"	D.	444
Edward B. Waddle, et al.,	"	D.	681
William M. Southlin,	"	D.	822
Florence Morgan, et al.,	"	D.	737
John B. Pitchlynn,	"	D.	845
George A. McKay, et al.,	"	D.	879

D E C I S I O N.

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

D 384 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, May, Jessie J., Jacob L., Ruth A. and Laura E. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.

D 680 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.

D 681 By William B. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is now considered in this decision.

D 384 [redacted]

D 822 [redacted]

D 835 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 30, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 3[illegible] By August Bilawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Lula, Ida, Annie, Blanche, May and Oscar Bilawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D [illegible] By John W. Lawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Amanda as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D [illegible] By Charles J. Newman, for the enrollment of his wife Ellen Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 11, 1902.

D [illegible] By [illegible] Stewart, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children [illegible], Lula M., Samuel R., Mate E., Catherine F., Nellie J., Josephine B. and James E., Stewart as citizens by blood, and for the enrollment of his wife Sarah A. Stewart as a citizen by intermarriage. On November 27, 1900, an affidavit was filed for Samuel R. Stewart, a minor child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 11, 1902.

D [illegible] By Thomas F. Dwyer, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children [illegible], as citizens by blood.

D [illegible] By Ella E. Dwyer, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of herself and the minor child, Mary T. Dwyer as citizens by blood. On October 11, 1902, a petition was filed for James F. Dwyer, a minor child of the applicant.

D [illegible] By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 31, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471
D 472 By John B. Gray, at Vinita, Indian Territory, on September 28, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Ona Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray was subsequently classified as not entitled to enrollment. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 4, 1902, and at Muskogee, Indian Territory, on January 11, 1902, at which time an affidavit was filed showing the birth of a child of the applicant.

D 526 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ancil F. Dawson, a fourth child of the applicant.

D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis T., Earl D. and Alexander [illegible], as citizens by blood, and for the enrollment of his wife [illegible], as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 11, 1902, [illegible] for Elmer E., born since the date of the application.

D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor children, Willie A. [illegible]

D 835 By William F. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902.

D 836 By Samuel L. Dawson, at Vinita, Indian Territory, on October 11, 1900, for the enrollment of himself as a citizen by blood.

D 837 By Elbert E. Dawson, at Vinita, Indian Territory, on October 11, 1900, for the enrollment of himself as a citizen by blood. On October 1, 1902, an affidavit was filed showing the birth of Elbert E. Dawson, a child of the applicant.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.

D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.

D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Helen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1901, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.

D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.

D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tenzo V. and Robert J. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.

D 34 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis M., Mary E., Jesse E., Gracie ., and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 12, 1902.

D 35 By Milton A. Painter, at Chelsea, Indian Territory, on November 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Layetta A. and his five minor children Ada E., Eva P., [illegible] W., Roy L., and Lucretia A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.

D 84 By Charles T. Bradham, at Muskogee, Indian Territory, on February 6, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Charles Bradham as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 24, and October 1, 1902.

D 115 By Joe B. Grayson, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor ~~children, Marion, Maggie, Luther, Liddie and Margaret Graham~~ as citizens by blood, and for the enrollment of his wife Bessie [illegible] as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at [illegible], Indian Territory, on September 23, 1902, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Nola Jackson as a citizen by blood.

D 476 By James L. Duncan, at [illegible], Indian Territory, on October 1, 1902, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie P., Claud, Dwight, and Willie D. Duncan, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8, 1902.

D 478 By James A. Jackson, at [illegible], Indian Territory, on October 2, 1902, for the enrollment, among others, as a citizen by blood. The minor mentioned is now of [illegible] age [illegible] classified and [illegible] the enrollment of this petitioner. Further proceedings were had in the matter of said application at [illegible], Indian Territory, on December [illegible], 1902.

D 479 By Lillie Jackson, at Muskogee, Indian Territory, on November 10, 1902, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children, Lillie, Jennie, Ray and Cornie Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 7, 1902.

D 487 By William F. Jones, at Muskogee, Indian Territory, on November 20, 1902, for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife Pamela and his minor children Minnie F. and Myrtle Jones as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 7, 1902.

D 519 By James Lane, at Muskogee, Indian Territory, on June 20, 1902, for the enrollment of himself and his minor children, Ray, Edna, Roberta and Rose Lane as citizens by blood.

D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 787). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittie, since the date of this application.

D 12 By [illegible], at [illegible], Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

D 17 By William A. [illegible], at Eufaula, Indian Territory, on June 11, 1900, for the enrollment of herself as a citizen by intermarriage.
Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 4, 1902, and at Muskogee, Indian Territory, on October 14, 1902.

D 142 By [illegible] Wells, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Burtie and Myrtle L. Wells as citizens by blood, and for the enrollment of her husband, Edgar P. Wells as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of her twins, [illegible] born since the date of the application.

D 143 By Minnie E. [illegible], at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself as a citizen by blood.

D 147 By Minnie A. Pinkard, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children Lorena A. Pinkard and her minor children Lillian A. and Annie B. Pinkard as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 19, and October 2, 1902.

D 157 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Edna as citizens by blood. On April 24, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a [illegible] child of the applicant.

D 845 By John M. Fishback, at Chelsea, Indian Territory, on November 30, 1900, for the enrollment of himself as a citizen by blood.

D 979 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawson, Elbert Dawson, Joseph Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Pial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teehee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Melvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Teehee Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1884, Robert Dawson on the Cherokee pay roll of 1884, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1883 and 1884, James Dawson on the pay rolls of 1883 and 1884, Pial Dawson on the pay rolls of 1883 and 1884, Josephine Dawson on the pay roll of 1884, Jane Dawson on the pay roll of 1884, Joseph Dawson (1) and Joseph Dawson on the pay rolls of 1883, 1883 and 1884, Ella Dawson and W.A.

Dawson on the pay roll of 1886, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 580, D 581, D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and William Rogers vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of the admission to citizenship secures thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, as hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified with the Cherokee Indians by blood.

John Dawson, William M. Dawson, Lizzie Atkins, Thomas Jefferson Dawson, Francis M. Dawson, Jr., and Arizona Atkins are children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Starr payment roll of 1896, and William M. Dawson and Arizona Dawson are identified on the Cherokee census roll of 1896.

Andrew C. Atkins was married under a Cherokee law to [illegible]

and in accordance with the laws of the Cherokee Nation on March 29, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Lee Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Francis M. Dawson, his wife, Katie and William B. Dawson, Francis M. Dawson, Jr., and Lizzie Alline have resided in the Cherokee Nation since 1893, and Andrew C. Alline, the husband of said Lizzie Alline, since 1891, and that John D. has been resident in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 352, D 358, D 365, D 482 and D 402.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catharine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian At the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Delaweky, formerly Josephine Dawson, John W. Dawson, and Katie Dawson, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Alcott, was married to the said Albert H. Dawson in October, 1894. She has lived with said husband since they were married. Ruth E., Albert and Pearl Dawson are the issue of that marriage. Sarah F. Dawson and said minor Ruth E. are identified on the Cherokee Census roll of 1896. Albert is identified by birth affidavit on file with the application. The evidence further shows that the youngest child, Pearl Dawson, is dead.

August Delaweky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 30, 1896, to the said Josephine Dawson. He has lived with said wife since they were married and the six children included in the application, and hereinbefore named, are the issue of that marriage. The

four older children are identified on the Cherokee Census roll of 1896, and the Strip payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Nannie Dawson, nee Baugher, was married to the said John W. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1886, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Nannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and entitled to enrollment under Doctrine D 570, D 760 and D 570. The evidence shows that John Dawson is the only person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Reed, his [illegible] wife, was married to him on October 4, 1871. The Cherokee National Court in the case of Cherokee Nation vs. Nancy Rogers and [illegible] held that a white woman married [illegible] admitted to citizenship [illegible] citizenship. She has lived with her said husband since they were married and the other [illegible] the application of said John Dawson, and heretofore named, are the issue of said marriage. John Dawson, his wife, and the minor children are identified on the Cherokee Census roll of 1896. The [illegible] are identified by birth affidavits on file with this Commission.

[illegible] P. Dawson and Lula E. Dawson are the children of said John Dawson. They were minors at the time of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Marion J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Addie York, and Burr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group XV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Ona Gray, formerly Ona Pierce, Effie Pierce (now Effie Akins) and Nancy J. Nagle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Myrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Ora Gray was married to John B. Gray on April 7, 1898, and Cecil and Velton Gray are the issue of that marriage. Ora Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles M. Pierce, Nancy J. Bogle and Ora Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Nellie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1896 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, including the application of the said Joseph Dawson, William Dawson and James Dawson, and embraces names numbered 1 364, 1 475 and 1 636.

Joseph E. Dawson is identified on the Joseph Dawson application to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1900, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilburn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is enrolled on the Cherokee Census roll of 1896.

Joseph R. Dawson is identified as the Joseph Dawson entitled to enrollment as the Cherokee born husband, [illegible] enrolled to him on February 24, 1896. He had [illegible] marriage, [illegible] Joseph R. Dawson, on [illegible] marriage. The [illegible] Census Roll of 1896. The younger child is [illegible] Commission.

[illegible] Joseph R. Dawson [illegible] Wilburn [illegible] Jackson, [illegible] Joseph R. Dawson [illegible] Census Roll of 1896 [illegible] Commission.

The records of this Commission show that Wilburn Dawson, to whom [illegible] Cherokee Nation, [illegible] citizenship to the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, and was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group of cases is numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Albert L. Blasingame, and James F. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Minnie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Albert L. Blasingame on September 8, 1894. She has lived with her husband ever since they were married and the [illegible] children included in the application of said Albert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1885. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claiming through the said Elbert Dawson, and are numbered D 435, D 604, D 608, D 605, D 609, D 617, [illegible] and D 68".

The evidence shows that Iona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard F. Dawson, Ella L. Strickerrat, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Iona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and [illegible] are identified on the Strip Payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Strickerrat is also identified on the Strip Payment roll of 1894.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Zona Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Lawson, nee Jones, was married to the above named Elbert Lawson about 1854, and lived with him as his wife until his death in February, 1898, and has not remarried since his death. The Cherokee Supreme Court in the cases of Cornelius Mellon vs. Henry Lequire and Nellum Watson vs. T. A. Talbert held that a white man married to a Cherokee Indian at the time of the admission to citizenship acquired thereby the rights of Cherokee citizenship.

Thomas P. Lawson was married to Lucile Mason, a white woman, on January 24, 1900. His child Ina V. Lawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella B. Stevenson was married to John C. Stevenson, a white man, on September 7, 1897. Her children named in the above roll are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. [illegible], son of Elbert Lawson, at the time of his father's admission to citi-

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been admitted by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence in her case shows that Zona Patterson [illegible] C. Dawson and Richard W. Dawson [illegible] to the Cherokee Nation since 1884: Robert L. Dawson, Elmer J. Dawson, [illegible] Dawson, and Ella L. Spencer [illegible] Alice Dawson Allen [illegible], and Martin L. Patterson [illegible] children included in this [illegible] with whom they are [illegible]

Grace H. [illegible] Dawson, and knew [illegible] Mississippi, owner at the time of her admission [illegible] of the late W. Graham, but she was [illegible] the said case of Dawson, File dismissed [illegible] 1896, 8 Ill. 7 Ill. and 8 Ill.

The evidence shows [illegible] Dawson had married under a Cherokee marriage [illegible] in accordance with the laws of the Cherokee Nation [illegible] the said Elmer Dawson. He had been formerly married to one [illegible] Grace H. and had lived with her some [illegible] Zona P. and Robert S. Graham are the issue of the aforesaid marriage, Zona P. Graham, the wife and two children are identified on the Cherokee census roll of 1896.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and for minors whose parents are so admitted."

The evidence further shows that Zona Patterson, William C. [illegible] Dawson have resided in the Cherokee Nation since 1894; that Francis M. Dawson, Florence A. Dawson, Mary J. Dawson, and Lillie D. Spaulding since 1897, [illegible] since 1898, and Curtis L. Patterson since 1894. The children of the minor children included in this group is conceded to be one or both of their parents, with them residing.

Group IV, includes the applications of [illegible] Dawson, and their children, [illegible]

[illegible] Dawson is a Delaware Indian by blood, and is recognized as such by the Cherokee Nation. Dawson is known by them as a Delaware Indian. He was formerly a resident of the Delaware District of the Cherokee Nation, and his name appears on the Delaware Cherokee roll of 1880, and his name appears on the Delaware Cherokee roll of 1896. He and his children are identified with the Delaware District of the Cherokee Nation. His wife and the children are identified with the Cherokee Nation and their names appear on the Cherokee census roll of 1896.

Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child [illegible] is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John F. Graham, his wife Missouri Graham, Albert Graham, Lorena A. Painter, and his wife Laverne A. Painter, [illegible] John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1898, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1894. The residence of the above children included in this group of applicants is as set out in their testimony, the exact time they are living.

[illegible] the application of the said Rita Lawson and [illegible] the said Rita Lawson, at the time of her enrollment to [illegible] the name of Grace V. Jackson, but she was entitled to [illegible] name of Lawson. This Court [illegible] Case No. [illegible], D 838 and D 84[illegible].

The evidence shows that Grace V. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1917, to the said Rita Lawson. He had been previously married to [illegible] prior to her enrollment. He

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Toshio A. Jackson, William Jackson and Fannie Lonex, formerly Jackson are the children of said Ella Dawson, nee Ella Jackson. Flora Harmon, Toshio A. Jackson and Fannie Lonex were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in this application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by birth affidavit on file with this Commission.

William C. Lonex was married under Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 1, 1898, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children First. H. and Myrtle Lonex, included in this application, are the issue of the said marriage. William C. Lonex and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1900 to the said William Jackson, deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson ever exercised citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Cherokee

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Toshie M. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lynch, and his wife Fannie Lynch have resided in the Cherokee Nation since 1888. The residence of the minor children included in this group is considered to be that of their parents, [illegible]

[illegible]

[illegible]

[

The authority of the Commission herein is derived in Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene T. and Wilburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1902. On September 21, 1904, Henry T. Richardson married one Nitty Flournoy nee Dawson. The said Nitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Nella T. Richardson is the child of the applicant by his first wife, Sellar. Viola T. Richardson and Edgar C. Richardson are children by his 4th wife, Nitty. Henry, Sellar, Elsie, Lewis, Oscar, Claude and Nina Flournoy are the children of his 4th wife Nitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1896 and was living at the date of this application. Delia F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Itta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 28, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Dooley has resided in the Cherokee Nation since 1884, that Itta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884, that Millie T. Dawson has resided in the Cherokee Nation since 1892, that Henry T. Richardson has resided in the Cherokee Nation since 1887, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the above children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, [illegible] Elmer T. Peebles, et al D 611; William B. Bentley, D 615, Adonis E. Fischbach, D 648; Florence Morgan, et al D 779, John H. Fischbach, D 647 and Bertha M. Terry, et al 771. [illegible]

cations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram P. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 15, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 15, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram P. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their [illegible] children are identified by birth affidavits on file with this Commission.

William A. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 15, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo [illegible] Pinchback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 27, 1883, to Lucy [illegible], who had previously married to the said Alonzo in Texas in 1877, and has lived with her ever since. It appears that Lucy [illegible] was admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on September 1, 1884. William A. and Annie E. Pinchback are the issue of the said marriage. Alonzo T. Pinchback and his said wife and children are all identified on the Cherokee Census roll of 1896, and the said [illegible] is also identified on the Delaware pay roll of 1867.

Lorenzo Morgan, the [illegible] of Elbert D. Morgan, is the daughter of the [illegible] hereinbefore mentioned and was admitted to citizenship in the Cherokee Nation on December 14, 1886. She and [illegible] are enrolled as members of the family. Children [illegible] Morgan are not entitled to the said [illegible]. The said evidence [illegible]

identified by birth affidavits on file with this Commission.

John N. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1881, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Both [illegible] and her children by her said husband, [illegible], are identified on the roll of the Cherokee Nation by the strip payment roll of 1894, and they were minors at the date of their mother's admission to citizenship.

The evidence further shows that [illegible] and Laverna A. Fishback have resided in the Cherokee Nation since 1881; that [illegible], William J. Mayfield, and John N. Fishback have resided in the Cherokee Nation since 1882, and that [illegible] and Emma Mabry have resided in said Nation since 1884. The multiple of the blood to whom enrollment is sought is established to be that of their parents, both of whom are living.

All [illegible] affidavits for the record building attached to this petition, and [illegible] petition, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission, because they have never been formally admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship admitting Robert Dawson and his family was obtained by fraud on the part of said Dawson.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In United States vs. Throckmorton, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Tenkee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Tenkee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission (or Citizenship known as the "Tenkee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Tenkee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians, that could understand, but could not talk English. One T. F. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. C. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis H. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that C.N.Taylor would look after Dawson's interests as Mr. Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel L. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1885, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tosh Rogers, a negro, who knew the Dawson's ancestors, and that after he put in his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision about the Dawsons and that next morning the Commission reopened the case, [illegible] upon hearing the witness, and rendered a different decision [illegible]. He further states that on his return to Fort Gibson with Dawson he remarked to him "[illegible] and Dawson replied, "yes, but [illegible]."

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. [illegible] Bryan's attorney fees which Taylor represented to Dawson [illegible]. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of [illegible], C. W. Taylor, Thomas [illegible] Lambert, [illegible], James T. Davis, C. D. Draught and David [illegible].

[illegible] testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that the judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all in one hand, the entry of the application in 1901 and the final settlement being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Court to change its judgment, and if it be true, if it is a fact, it can be easily made evidence of that.

Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1885, to borro some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption practiced the members of the Commission had affected the judgment itself. The case was not submitted without evidence as appears from the record, and it is known that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Hinkenbeard testifies that he had a talk with Elbert Dawson about 1881, that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 45 or 50 years old who did not know straight up and that he could give Dr. Baker four drinks of Arkansas whiskey and he could swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it made here too.

Assuming that this Commission can go into the question of perjury in connection with evidence in this case, the testimony of Hinkenbeard establishes, if anything, only the facts stated, and does not prove that Dr. Baker committed perjury in giving his testim-

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McKennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Draught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1886, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Jerome Commission were corrupted by the fraudulent use of money. So far as these witnesses were been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what he and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for illegal purposes and the proof to the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. T. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of routine only. T. T. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else as far as he knew.

Some evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Tecklee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1883, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, some of them since 1883, they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1883, there have been hundreds of citizenship charges the authority to investigate the judgments of former tribunals alleged to have been procured by fraud, and the Cherokee legislature has power to create an investigating body to create a tribunal with authority to set aside a judgment so obtained. A case seems to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis [illegible] Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie T. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William P. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis [illegible] Dawson, Jr., son of Francis [illegible] Dawson and grand-son of Robert Dawson,

(Group II.) [illegible] Robert Dawson, Katie Dawson, Robert Dawson, Albert D. Dawson, Ralph [illegible] Dawson, Alford Dawson, Josephine Dulawsky, [illegible] Dulawsky, Ida Dulawsky, Annie Dulawsky, Eleanor Dulawsky, May Dulawsky, Oscar Dulawsky, John [illegible] Dawson, Katie Dawson,

(Group III.) John Dawson, Robert F. Dawson, Lula M. Dawson, Leonel M. Dawson, Vera M. Dawson, Charles M. Dawson, Estelle E. Dawson, Penelope P. Dawson, James W. Dawson, Virgil C. Dawson, Thomas P. Dawson, Charles F. Dawson, Lula M. Dawson, Mary E. Dawson, James T. Dawson.

(Group IV.) Robert Pierce, Estelle Pierce, Arthur Pierce, Charles E. Pierce, Eva Grey, Cecil Grey, Velma Grey, Effie Ada [illegible]

Effie Pierce), Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Albert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer E. Blasingame, James R. Blasingame, Willie A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) [illegible] Patterson, Robert A. Patterson, Martha A. Patterson, Claude A. Patterson, Edgar L. Patterson, Thomas W. Patterson, Virgil V. [illegible], [illegible], Robert L. Lawson, Robert E. Lawson, [illegible], Edward T. Lawson, Ina E. Lawson, [illegible], [illegible], William Lawson,

(Group IX) [illegible], Graham, Sonja V. Graham, Robert L. Graham, [illegible], Graham, [illegible], Mary E. Graham, Lonnie L. Graham, Francis M. Graham, [illegible], Lorena A. Painter, Ada B. Painter, Eva B. Painter, Ethel V. Painter, Ray C. Painter, Roberta A. Painter, [illegible], Laurence E. Bradshaw, Myrtle Bradshaw, Blanche Bradshaw, Ina M. Graham, William C. Graham, John F. Graham, [illegible], Robert Lee Graham, Ida Willie Neal, James H. Graham, Martha Graham, Maggie Graham, Luther Graham, Floyd Graham,

(Group X) Ella Jackson, Flora Carson, Lillie B. [illegible], Claud [illegible]

Dwight Harmon, Willie D. Harmon, Roscie A. Jackson, Fannie
Le[illegible]on, Birtie L. Lewis, [illegible] Lewis,

(Group VII) Texanna Woolley, Irene M. Woolley, William T. Woolley,
[illegible] Richardson, Oscar Flournoy, Walter Flournoy, Alice Flo[illegible]
[illegible]ey, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna
Flournoy, Finis T. Richardson, Jasper D. Richardson, Della
[illegible]ardson, Pete Draper,

(Group VIII) Lul. Pearl Weddle, Charlie Weddle, Morris O. [illegible],
[illegible] Weddle, William T. Pruitt, Lawrence A. [illegible], Willie A.
[illegible]a, [illegible] (Texas), Florence [illegible], [illegible],
Alice A. [illegible], [illegible], [illegible], Ella Mary, and
[illegible] Mary.

[illegible]

(Group I) [illegible] Mary [illegible], Della, [illegible]
[illegible] Hamm.

(Group II) [illegible] Hamm, [illegible].

(Group III) Lelia Hagen, Jim [illegible], Texas.

(Group IV) Florence [illegible], Willie A. [illegible],
[illegible] Charles [illegible] Young.

(Group V) Ida [illegible], Texas, [illegible].

(Group VI) Willie [illegible]ffgram, Alice Brown, Mrs. [illegible], Jo Ann
[illegible]ffgram.

(Group VII) [illegible] Thom, [illegible] Brown, Annie [illegible], Mabel
Thom [illegible] Brown, Jessie Brown.

(Group X) [illegible] Hamm, Charles Hamm,

(Group XII) [illegible] Wood, Mary C. Richardson, Melissa A. [illegible]

(Group XIII) Minnie F. [illegible] and Alonzo M. Pickrell, [illegible] to

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis . Dawson, son of Elbert Dawson, (embraced in D 837); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 839); James Lowe, Ray Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 841), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, wife of William Jackson, (embraced in D [illegible], and George A. Lowe (embraced in D 1731), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the Act heretofore cited, and it is so ordered.

As heretofore stated William Pierce (D 400) and Cecil Dawson (D [illegible]) and Green T. Jackson (D [illegible]), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Liddie and Margaret Graham (D [illegible]) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green T. Jackson, Liddie Graham and Margaret Graham be, and the same are hereby dismissed.

DISMISSED BY THE FIVE CIVILIZED TRIBES,

(Signed) TAMS BIXBY,
Acting Chairman.

(Signed) T. [illegible],
Commissioner

Dated at Muskogee, Ind. Ter.,
July 30, 1902.

(Signed) C. R. [illegible],
Commissioner.

D C 10513-1904.
ITD 7442,7446,1903.
L.R.S.

Copy.

J.W.H.
J.P.
WHR.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

March 31, 1904.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the applications of John Dawson, et al., for enrollment as citizens of the Cherokee Nation. The record in said case was consolidated with that of Francis M. Dawson, et al.

In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. Group 3 will be considered herein.

This group includes the application of John Dawson and those claiming through him, and embraces cases designated by you as D-578, D 360 and D 530.

The application of John Dawson, D. 578, was made October 15, 1900, for the enrollment of himself and his minor children, Robert B., Iola M., Lemuel M., Rosa B., Charles B., Mattie J., Jennings B., and James W. Dawson, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Sarah J. Dawson, as a citizen thereof by intermarriage. Subsequently an affidavit was filed for Vergal G. Dawson, the ninth child of said applicant.

The said John Dawson was admitted to citizenship in the

Cherokee Nation by the Tochee court by its degree of January 11, 1883. He is identified upon the Cherokee rolls of 1883, 1886, 1894 and 1896. His wife, Sarah J. Dawson, is a white woman and is identified upon the census roll of 1896. They were married October 4, 1871, and have resided together in the Cherokee Nation since 1883. The seven elder children named above are identified upon the census roll of 1896. The two younger children are identified by birth affidavits on file with your Commission. The residence of all the children is considered to be that of their children.

The application of Thomas P. Dawson, D. 360, was made September 20, 1900, for the enrollment of himself and his minor child, Marion J. Dawson, as citizens by blood of the Cherokee Nation. Both of these applicants are identified upon the census roll of 1896 and the former was a minor when his father, the said John Dawson, was admitted to Cherokee citizenship. Thomas P. Dawson has resided in the Cherokee Nation since 1888. His child resides with him.

The application of Orle H. Dawson, D. 530, was made October 4, 1900, for the enrollment of himself and his minor child Burr H. Dawson, as citizens by blood of the Cherokee Nation. A subsequent application was made for James W. Dawson, a second child. Orle H Dawson, whose name appears upon the census roll of 1896, was a minor when his father, the said John Dawson, was admitted to Cherokee citizenship. On December 28, 1898, he was married to Addie York. The children named above are the issue of that marriage and are identified by birth affidavits on file with your Commission. Orle H. Dawson has resided in the Cherokee Nation since 1888. His minor

children reside with him.

In your decision of December 23, 1902, you held that all of these applicants are entitled to enrollment.

In his report of October 16, 1903, relative to group 3, a copy of which is enclosed, the Commissioner of Indian Affairs recommended that your decision be approved except as to the application of Sarah J. Dawson, who applies for enrollment as a citizen by intermarriage.

The attorney for the Cherokee Nation protests against the enrollment of all of these applicants claiming that the decree of the Tehee court of January 11, 1883, was obtained through fraud. His contention is considered untenable in the light of the opinion of the Assistant Attorney General of February 18, 1904, a copy of which was furnished you on February 24, 1904.

The Department concurs in your decision concerning those applicants who claim by blood. No action will be taken at this time relative to Sarah J. Dawson, who claims by intermarriage, inasmuch as the right of such persons to enrollment in the Cherokee Nation is now under consideration by the Court of Claims.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Refer in reply to the following:
Land
13855-1903.

Copy.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Oct. 26, 1903.

CHEROKEE ENROLLMENT

FRANCIS M. DAWSON, ET AL.,

GROUP 111.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting Group 1., relative to the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, there is transmitted herewith record relative to the applicants involved in Group 111.

D. 578, Group 111. page 1.

John Dawson applies for the enrollment of himself and his minor children, Robert B., Iola M., Lemuel H., Rosa B., Charles B., Mattie J., Jennings B. and James U., as citizens by blood, and for the enrollment of his wife, Sarah J. Dawson, as an intermarried citizen. He also applies for the enrollment of Vergal C. Dawson, who was born subsequent to the date of his original application.

D. 569, Group 111. page 1.

Thomas P. Dawson applies for the enrollment of himself and his minor child, Marion Dawson, as citizens by blood.

D. 530, Group 111. page 10.

Orle H. Dawson applies for the enrollment of himself and his minor child, Burr R. Dawson, as citizens by blood; also for the enrollment of his child, James W. Dawson, who was born subsequent to the date of his original application.

John Dawson, (Group 111, page 1) was admitted to citizenship in the Cherokee Nation, January 11, 1883. He was married to Sarah J. Dawson nee Wood, October 11, 1871. He was admitted to citizenship by the Tehee court. The names of all the parties applied for by John Dawson, except those of James U. and Vergal C. Dawson, appear on the 1896 Cherokee roll. John Dawson's name does not appear on the 1880 roll.

Thomas P. Dawson, (Group 111. page 7), is a son of John Dawson, who was admitted January 11, 1883. He was a minor when his father was admitted. He was married April 24, 1898, to Allen A. Allison, and the minor child for whom he applies is the issue of that marriage.

Orle H. Dawson, (Group 111. page 10), is a son of John Dawson, who was admitted to citizenship in the Cherokee Nation by the Tehee Court, January 11, 1883. He was a minor when his father was admitted. December 28, 1899, he was married to Addie Dawson nee York, and the minor children for whom he applies are the issue of that marriage.

The evidence in this case shows that John Dawson and his wife, Sarah J. Dawson, have resided in the Cherokee Nation since 1883; that Orle H. Dawson has resided there since 1883; and that Thomas P. Dawson has resided in the Cherokee Nation since 1888.

The Commission in its decision of December 23, 1902, held that all of the applicants above named were entitled to enrollment as citizens of the Cherokee Nation--Sarah J. Dawson as a citizen by intermarriage and the other applicants as citizens by blood.

Attention is respectfully invited to office report of even date, relative to Group 1. of this case, and for the reasons therein stated the office believes that the decision of the Commission should be approved, except as to Sarah J. Dawson, who applies for enrollment as an intermarried citizen. The rights of intermarried Cherokess being before the Court of Claims for findings and an opinion, her application should not be passed upon at this time.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

G.A.W.-L.C.

Cherokee

Muskogee, Indian Territory, December 17, 1906.

Sarah J. Dawson,

Wasson, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Department December 4, 1906.

Respectfully,

S.T.

Commissioner.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. L. McKennon,

Attorney for Mattie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Mattie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. E-10
C. F.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 190[illegible].

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enc. B-1
J.T.

(COPY)

D.C.53540-1906. Y.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.7442,7444,
7446,7448,
7450,7452,
7454,7456,
7458,7462,
7464,7466,
7906-1903.

December 4, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States, in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis F. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Katie Dawson, Andrew J. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John C. Bogle, Florence Dawson, Martha L. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah V. Dawson (formerly Jones), John E. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Brannan, Bessie Graham, James H. Harmon, William J. Lenna, Willie F. Dawson, Henry T. Richardson, Melissa A. Dawson, Ira F. Beadle, Alonzo W. Fishback, Lizzie Jackman, and George A. Mabry, as citi-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Francis M. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 13, 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

RR Inst. to Inst. 6.

Cher R 1127

Tran from Cher D 582

Cher R 1127

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 15 1900

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 15 1900 1900.

Name Edward C. Coker, Tenn. to D.T.

District ——— Year 1896 Page ——— No. ———

Citizen by blood Yes Mother's citizenship ———

Intermarried citizen No

Married under what law ——— Date of marriage 1874 (1910).

License ——— Certificate ———

Wife's name ———

~~District~~ ——— ~~Year~~ ~~Page~~ ~~No.~~

Citizen by blood ——— Mother's citizenship ———

Intermarried citizen ———

Married under what law ——— Date of marriage ———

License OCT 15 1900 Certificate OCT 1 1900

Names of Children

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

1052

Wife and child Delawares.

Department of the Interior,
Commission to the Five Civiliz d Tribes,
Nowata, I.T., October 15, 1900.

In the matter of the application of Edward Clayton Bolen for the enrollment of himself, wife and child as Cherokee citizens, his wife and child being od Delaware blood; being sworn and exam ned by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Edward Clayton Bolen.
Q How old are you? A 29
Q What is your post-office? A Nowata.
Q In what district do you live, Coowweescoowee District? A Yes sir.
Q Who is it you want to have put on the roll, yourself and family?
A Yes sir.
Q Your wife? A Yessir.
Q And how many children? A One.
Q Are you a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q What is your wife, Cherokee by blood A Yes sir, Delaware
Q Let me see your marriage license and certificate? A I have two; produces papers) I have been married twice.
Q This is the first one? A Yes sir.
Q Com'r: The applicant presents duly authenticated license is sued by the Clerk of Coowweescoo ee District February 17th 1894, authorizing his marriage to Mrs. L. L. Bolen nee Lola Smith; the certificate shows they were married in accordance with said license on the 23rd of the same month and year by Rev. Isaac Brown, t is paper is filed herewith
Q Now this wife xx was a Cherokee, you had been previously married to her under United States law, had you not? A Yes sir.
Q And this was a re-marriage under it, or law? A Yes sir.
Q When did you marry her under United States law? A The 7th of August before.
Q How long did you live with this wife? A About a year and a half.
Q Is she dead now or alive? A No sir, I think she is married again.
Q When did you get a divorce from her? A Yes sir
Q Have you a copy of the decree of divorce? A No sir, we have mislaid it.
Q You haven't a decree of divorce A No sir.
Q You just separated A Yes sir, we had it in court, and it was dismissed, I don't understand it well enough to explain it.
Q Now you live in the Delaware Nation over about four miles in Kansas? A Yes sir.
Q Your present wife, this Delaware, is a native of the Delaware Nation? A Yes sir.
Q And was born and raised there? A Yes sir
Q What is the name of her father? A Thos Smith
Q Is he dead or alive? A Dead.
Q What is the name of her mother? A Nellie
Q Is she dead? A Dead.
Q Was she of the same tribal marriage connection? A Yes sir.
Q Now is this your present wife a Cherokee or a white woman, or is she a Delaware Indian? A She is a Delaware, Yes sir.
Q How old is she? A 27
Q Has she ever been married except to you? A Yessir
Q Has she ever had children except by you? A Yessir

Q She was marri d before? A Yes sir.
Q Then she is improperly namedin the license as Miss Connor?
A Yes sir.
Q Who was she married to before she married you? A Adorn Swope.
Q He a white man? A Yessir.
Q Is he dead or alive? A Living.
Q Did she get a divorce from him? A Yes sir.
Q Have you a copy of the decree of divorce? A Yes si-, I have it at home.
Q This child that you speak of, isit a child of your first wife? Yes sir.
Q What is the name of the father of your present wife? A Alex Connor
Q Is he dead or alive? A Dead.
Q Give me the name of her mother? A Elizabeth.
Q Is she dead? A Yes sir.
Q How was your wife enrolled in 1896, as Swope or Connor?
A Swope.
Q Give me the name of your child? A Harry Orlando.
Q How old is that child? A 5 years old.
Q Livingnow is he, A Yes sir, I have the guardian papers for him.
Q It is your own child? A Yes sir.
Q The child is living with you? A Yes sir; he is under my control he is not living with me.
Q Where is he living' A In Misouri.
Q Is he living with his mother? A No sir.
Q You we re granted the custody of the chi d when you separated from your first wife? A Yes sir.
Q In that separation did you leave her or did she leave you?
A She left me, and left the child alone.
Q What was the occasion of her leaving you? A Said I didn't treat her right, said I didn't support her.
Q Did she allege abuse on your part, xx in kxxt toward her?
A No sir, said I didn't do right.
Q What did she mean by not doing right, that you were abusing her and unkind to her? A Yes sir, she alleged that I abused her, and non-support.
Q I suppose her allegation was that you compelled her to leave by unkindness and non-sup port? A Yes sir, I reckon.
Q How old is your first wife now? A I don't remem er, 25 or 6.
1880 roll for former wife, page 172 #2586 as L. E. Smith Coov e-
scoowee District Ado,ted Delaware;
Q She wasn't a Delaware was she A Delaware.
1880 roll for present wife page 33 #611 Minnie Conner Coowescoowee adopted Delaware 2 years old.
Q When was your present wife divorced from her husband Swope?
A About a year before we were married
Q When was she married to him A They only lived together about a year and a half.
Q She was never married to anybody but Swope and you? A No sir.
1896 roll examined for the present wife, and name not found;
1896 roll for child pa and found to have been enrolled by mother.

MINNIE BOLEN, being sworn and examined testified:

Q Give me your full name A Minnie Bolen.
Q How old are you? A 22 years old
Q You are the wife of the applicant here, Edward C. Bolen? A Yes sir
Q And your maiden name was with who it A Mr sir Conner.
Q Were you born in the Cherokee Nation? A Yes sir
Q Have you lived here all your life? A Yes sir.
Q Where were you in 1896? A I don't know. I suppose my father is now enrolled me.
Q You were in the Cherokee Nation? A Yes sir

Testimony of Minnie Bolen continued:

Q You never made your home outside the Cherokee Nation?
A No sir.
Q You were married before you married your present husband
A Yes sir.
Q Have you a copy of the decree of divorce from your former husband? A Yes sir, but I haven't it with me
Q You have it at home, A Yes sir.
Q You were divorced before you married this husband? A Yessir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and one child; the child being by a former wife; it is found that the child has already been enrolled and so no action will be taken in regard to its application at this time; His present wife is enrolled in 1880 but is not identified on the roll of 1896; but she has lived in the Cherokee Nation all of her life; she is a Delaware, and will be listed now for enrollment as a Cherokee-Delaware, as Minnie Bolen, her present name being established by the marriage license and certificate filed herewith; former

The applicant is shown to have married his wife in 1896; he states that he has lived in the Cherokee Nation ever since his marriage at that time; the Cherokee marriage license and certificate relating to this marriage are filed herewith, and this wife is identified on the roll of 1880 as a native Cherokee; he states that they lived together only a year and a half, when they separated; he presents no copy of the decree of divorce at this time; his application for enrollment will be placed upon a doubtful card to await official evidence of his divorce from his first wife; and evidence of its being upon satisfactory grounds; he is desired also to present the Commission with a copy of the decree of divorce of his present wife from her former husband; the final decision in the applicants application for his own enrollment will be made known to him at his post-office address.

I, [illegible], being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of October, 1906.

Commissioner.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 20th, 1902.

In the matter of the application of Edward C. Bolen for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-582.

Cherokee Nation appears by J. C. Starr.

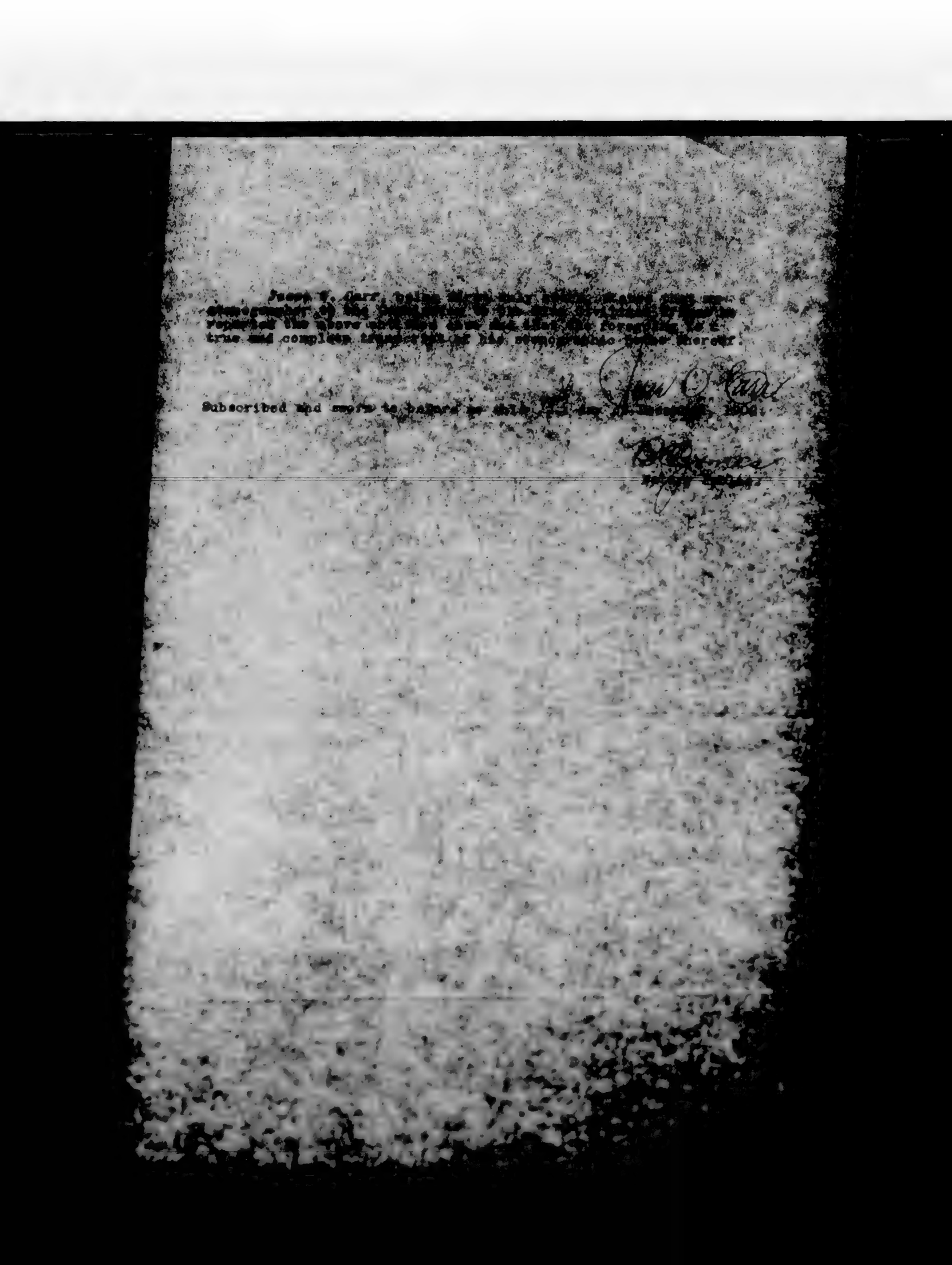
EDWARD C. BOLEN, being duly sworn, testified as follows:--
~~Examination by the Commission.~~

Q. Your name is Edward C. Bolen, is it? A. Yes, sir.
Q. How old are you? A. 31.
Q. What is your post office? A. Nowata.
Q. Are you a white man? A. Yes, sir.
Q. Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A. Yes, sir.
Q. What is your wife's name? A. Minnie Conner.
Q. That was her name when you married her? A. Yes, sir. She was a widow when I married her. That was her maiden name.
Q. Is she a Cherokee by blood? A. Yes, sir; Delaware.
Q. How long has she been living in the Cherokee Nation?
A. She was born here.
Q. When were you married to her? A. Three years ago next January.
Q. Is she the wife through whom you claim citizenship?
A. No, sir, my first wife.
Q. Who was your first wife? A. Lola Smith.
Q. Was she a Cherokee by blood? A. Delaware.
Q. She was a Delaware also? A. Yes, sir.
Q. Had she lived in the Cherokee Nation all her life? A. Yes, sir
Q. When were you married to Lola Smith? A. '94.
Q. Were you married to her under a Cherokee marriage license?
A. Yes, sir.
Q. How long did you live with her? A. About a year and a half.
Q. Did she die? A. No, sir.
Q. Were you divorced? A. Yes, sir.
Q. Who brought suit for divorce? A. She did.
Q. Have you got a copy of the decree? A. No, all the Dawes Commission has it.
Q. Where were you divorced, what court? A. In Claremore.
Q. Had you been separated long before you were divorced? A. Yes, sir, I believe something like a year and a half.
Q. What was the cause of the separation? A. We just couldn't get along.
Q. She couldn't get along with you and you couldn't get along with her, is that it? A. Yes, sir.
Q. Did you leave her or she leave you? A. She left me.
Q. Did you ever give her any cause to leave you? A. No, sir.
Q. Always a kind, indulgent husband, were you? A. Yes, sir.
Q. You properly provided for her? A. Yes, sir.
Q. She went away and left you? A. Yes, sir.
Q. Then she sued for a divorce and got it? A. Yes, sir.
Q. Did you appear to defend the divorce? A. Yes, sir.
Q. What grounds did she allege in her suit? A. Cruel, whatever that is, and non support.
Q. Were you guilty of those things? A. No, sir.

Q. Were you divorced from your first wife when you married the second one? A. Yes, sir.
Q. What is your second wife's name? A. Minnie.
Q. You say your wife Minnie had been married before you married her? A. Yes, sir.
Q. Was her first husband dead when you married her? A. No, sir.
Q. Were they divorced? A. Yes, sir.
Q. Divorced before you married her? A. Yes, sir.
Q. Have you been living in the Cherokee Nation ever since 1894?
A. Yes, sir.
Q. Have you got any family? A. Yes, sir; one child by my first wife.
Q. Is that child living with you? A. Yes, sir.
Q. Did you get the custody of that child? A. Yes, sir.
Q. The court gave you the custody of that child, did it?
A. Yes, sir.
Q. And it has been living with you ever since it was born?
A. Yes, sir.

Examination by Mr. Starr

Q. Where did you and your wife live while you were living together?
A. First wife?
Q. Yes. A. Four miles west of Nowata.
Q. Were you on a farm? A. Yes, sir.
Q. Who owned that farm? A. Robert L. Owen.
Q. How long did you live on that farm? A. Lived there something over a year.
Q. Were you living there when the separation took place?
A. Yes, sir
Q. When was it that you separated from her? A. We was married in '94 and lived together about a year and a half.
Q. What did you say wasthe cause of this separation? A. We just didn't get along. She wasn't much of a hand to work and keep house and wanted to move to town. I never lived in town and didn't think I could make a living if I was there.
Q. She wanted to move to town and you wouldn't go? A. No, sir.
Q. Didn't have a bit of trouble before the separation?
A. Just family trouble. Never abused her.
Q. How long did this trouble come on before the separation?
A. About 3 or 4 months.
Q. Who kept the place after the separation? A. I did.
Q. How long did you stay there? A. About 2 or 3 years.
Q. Where did she go after the separation? A. To her mother.
Q. Her mother was living in town? A. Yes, sir.
Q. As a matter of fact didn't she allege abandonment on your part in that divorce suit? A. No, sir, I don't believe she did.
Q. Wasn't you summoned to court to show cause why your citizenship should not be forfeited? A. No, sir.
Q. Was that not the reason that this compromise was made--to keep you from losing your citizenship? A. No, sir; she couldn't get the divorce without my consent.
Q. Did she go into court? A. Yes, sir.
Q. Face to face? A. Yes, sir.
Q. Well, do you know whether they ever had a trial of that?
A. On the divorce?
Q. Yes. A. Did we ever have a trial?
Q. Yes, sir, ever have a trial? A. No, sir, I don't know as there was. It was called up to court a time or two. At the time she wasn't there.
Q. Was anyone else living with you at the time the separation took place? A. No, sir.



DEPARTMENT OF [illegible]
COMMISSION TO [illegible] CIVIL [illegible]
FILED
OCT 24 1900

SUPPLIMENTAL

Department of the Interior
D.582. Commission to the Five Civilized tribes,
Claremore, I. T. October, 23rd, 1900.

In the matter of the application of Edward C. Bolan for enrollment as a Cherokee Citizen. LORENDA E. CLARK being sworn in said cause testified before the Commission as follows:

Q What is your name? A. Lorenda E. Clark.
Q How old are you? A. 24.
Q What is your post office? A. Nowata.
Q You wish to give some testimony in regard to Edward C.Bolan, Mr. Baugh will examine you.

By Cherokee Representative Baugh—

Q.What relation did Edward C. Bolan have with you in 1893? A. He was my husband.
Q When did you seperate? A. November, 15th 1894.
Q Give the stenographer the grounds o f your seperation. A Desertion
Q Did he leave you? A. Yes sir. Q. Was there any cause for his deserting you? A. No sir. Q. Did you and he always live together as husband and wife in good faith ~~xxxxxx~~ A. Yes sir.
Q I see that you have signed an agreement here, now what was the reason for your signing it? A. The main thing was that we had spent most of our means in fighting this case and I thought it best to settle it in some way My mother is a widow and we had about used up all we had in fighting the case.
Q Was it your understanding that you were to have a divorce? A. Yes
Q That he was to have the custody of the child? A. The present custody you might call it and that I was to have a divorce and get the child afterwards.
Q Did you withdraw the charge of abandonment when you signed this?
A No sir, the case was to stand just as it was.

BY THE COMMISSION (The Commission is not much disposed to go behind the record) Q. Do you mean to say that there was forgery practiced in getting up this instrument, that there were other statements and agreements inserted in it after you had signed it?
A No I dont exactly say that.
Q Did you read it before you signed it? A. Yes sir, but my husband never lived up to his part of the agreement, he kidnapped my child from me in 1894 and has never brought it back.
Q As I understand it, this is a compromise and he never lived up to his part of it so you claim? A. Yes sir.
Q The Court has never granted the divorce on this agreement has it?
A Yes sir the divorce was granted.
Q [illegible] of the decree of divorce? A. Yes sir.

[illegible] being sworn states that the stenographic notes taken [illegible] to the five civilized tribes be ready to [illegible] the proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of the stenographic notes in said proceedings.

[illegible] subscribed and sworn to before me this 24th day of October, 1900

Commissioner.

OFFICERS:
T. M. BUFFINGTON, Circuit Judge, Vinita.
WATT STARR, District Judge, Claremore.
JOE. M. LAHAY, Clerk, Claremore.
J. C. WARD, Sheriff, Foyil.
JOHN BULLETTE, Solicitor, Claremore.

OFFICE OF
DISTRICT CLERK,
COOWEESCOOWEE DISTRICT, C. N.

TERMS OF COURT.
CIRCUIT COURT:
First Monday in June and Fourth Monday in September.
DISTRICT COURT:
First Monday in January and July.

Cherokee Nation, Indian Territory,
Coo-wee-scoo-wee District,.

In the regular term of the Circuit Court in and for Cooweescoowee District, for the June term 1896.

Upon the third calling of the case of Minnie Swope -:vs:- Audrain Swope, (suit for Divorce) the Defendant Audrain Swope failing to answer, either in person or by Attorney, Judgment was reddered in favor of Minnie Swope, the Plaintiff in the said suit, by default. Said Judgment was rendered on the 4th day of June A.D. 1896.

Given under my hand and seal of office on this the 11th day of June A.D. 1896.

Clerk of Cooweescoowee District, C.N.

Recorded on page
273 Book (13) of
Records of Mortgages

CHEROKEE NATION, I. T.

Cooweescoowee District.

I [illegible] a Minister of the Gospel
hereby certify that on the [illegible] day of [illegible] 1842, I united in
Marriage, Mr [illegible] a citizen of the United States, and
Miss [illegible] a citizen of the Cherokee Nation, agreeable
to the [illegible] and laws of the Cherokee
Nation.

[illegible]

N. D. [illegible]

MARRIAGE LICENSE.

CHEROKEE NATION, I. T.

Cooweescoowee District.

To Any Person Legally Authorized to Solemnize Marriage---Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. E. C. Boles a citizen of the United States, and Mrs L L. Boles nee Lola Smith a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the 17th day of February A. D. 1904

Jos. M. Lahay.

Clerk Cooweescoowee District

CERTIFICATE OF TRUE COPY.

United States of America,
INDIAN TERRITORY,
Northern District. } ss

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, and ex-officio Recorder of said District and Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of a ~~Marriage~~ License ~~Mortgage~~ filed in my office on the 24 day of January, 1900, at ~~o'clock~~ ~~M., and~~ ~~Release of Mortgage filed~~ ~~1900~~

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 3" day of February A. D. 1900

Chas. A Davidson
Clerk and Ex Officio Recorder

By P. C. Dixon
Deputy Clerk

the 24 day of January 1900 ~~M.~~ and duly recorded in Book D, Marriage Record, Page 184.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 1 day of July A. D. 1900

Chas. A. Davidson Clerk

By Deputy

N 588

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District. } ss

No. 1

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr E.C. Bolen of Nowata, in the Indian Territory, aged 29 years, and Miss [illegible] of Nowata, in the Indian Territory, aged 22 years, according to law, and to your Certificate thereof and returning this License to the parties thereto named

WITNESS my hand and official seal at Nowata, Indian Territory, this 2nd day of January A.D. 1900

[illegible]
Clerk of the United States Court

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I do hereby certify that on the 2nd day of January A.D. 1900 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and Ceremony of Marriage between the parties therein named

[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 15 1900

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,

Northern District.

I, [illegible], Clerk of the United States Court in the Northern District of the Indian Territory, do hereby certify that the foregoing and hereto attached [illegible] filed in my office at [illegible] M., and duly recorded

189

MARRIAGE LICENSE.

FILED

JAN 23 1900

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District. } ss

No. 1

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. [illegible]
of [illegible], in the Indian Territory, aged 29 years, and
Miss [illegible]
of [illegible], in the Indian Territory, aged 22 years,
according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at [illegible], Indian Territory, this [illegible] day of [illegible], A. D. 1900.

[illegible]
Clerk of U. S. Court

By [illegible] Deputy

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District } ss

I, [illegible] officially [illegible]
do HEREBY CERTIFY that on the 2nd day of January
A. D. 1900, I did duly and according to law as commanded in the foregoing License,
solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 2nd day of January A. D. 1900

[illegible]

Claremore I.T. 2 / 17- 1894.

Marriage license granted E.C.Belen,a U.S. Citizen to marry Mrs. L.L.Belen (nee Smith) a citizen of the Cherokee Nation.
Having complied with the laws of the Cherokee Nation.
The following citizens signed his petition.

J.L.Ball	J.W.Childers.
Jas Randall	C.H.Armstrong.
Simon Love.	Jas Riley
C.V.Tanner	J.W.Journeycake
Annie E.Journeycake.	Cynthia Couch
Jes F.Journeycake	M.M.C##########

Cerrimony performed by Isaac Brown a minister of the Gospel on the 23rd day of Feb 1894. Recorded by

Jos M.LaHay,clerk
Coowescoowee Dist.

on 4 / 16-94.

Executive Office Cherokee Nation,
Tahlequah I.T.

I,B.W.Alberty,assistant Executive Secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the marriage record of Coowescoowee District Cherokee Nation now filed in this Office by law and is in my legal custody.

Given under my hand and the seal of,the Cherokee Nation this the 8th day of April 1902.

Assistant Executive secretary,
Cherokee Nation.

Civil Docket for Regular Term of the Circuit Court in and for

Coowcescoowee District C.N. Convened June 1st 1896.

#90

#90 Minnie Swope
Vs.
Audrain Swope

1st passed,
2 calling Deft called 3times & no answer.
3rd calling Defendant called 3 several times and defendant failed To answer. Laid over..

Judgement by Default.

#90. In case of Minnie Swope vs. Audrain Swope, on third calling Defendant was called three several times and failed to answer, either in person or by attorney, whereupon plaintiff asked for Judgement by default.

Judgement by default granted.

Executive Office Cherokee Nation,
Tahlequah Ind. Ter.

I, R.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above are true copies taken from the docket and the Record of Civil cases respectively, of the Circuit Court of Coowescoowee District Cherokee Nation, now filed in this Office by law and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 8th day of April 1902.

R.W. Alberty
Assistant Executive secretary,
Cherokee Nation.

Citation.

Cherokee Nation)
Coowees coowee District)

To any lawful Officer greeting: You are hereby Commanded to Summons Adrain Swope to appear at the lawful place of holding court in said District on the 1st Monday in June 1896 at 9'oclook A.M. then and there to answer the demand of Minnie Swope who claims the right to be divorced from the bonds of matrimony now and heretofore existing between her and defendant,

And for cause of action plaintiff alleges that she was married to defendant Feb. 2d 1894 and that they lived together as man and wife wife until Oct 15 1895 when he wilfully abandoned her without cause and that he is a white man and a foreigner and they were married according to the laws of the Cherokee Nation regulating intermarriages with white men and foreigners. She therefore prays judgement for divorce.

and return

Fail not to execute this summons as within the time as required by law.

Given under my hand and seal of Office this the 14th day of Jan. 1896.

Joe M.Lahay, Clerk,
of Coocweescoowee District.

Executive Office Cherokee Nation,
Tahlequah I.T.

I, R.W.Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy of a citation filed, with other papers, in this office by law and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the 9th day of April 1902.

R. W. Alberty
Assistant Executive secretary
Cherokee Nation.

		# 152 (Docket)
Lola Bolen	(	Norwood
, vs.	(	
Ed.Bolen	(	Davenport & Akin.

Settled by Stipulation.

(The above is copied from Circuit Court Docket.)
(The following form the record of Proceedings in civil cases)

152. Stipulation.

This agreement made and entered into by and between Lola Bolen, party of the first part and E.C.Bolen party of the second part, Witnesseth:That whereas the party of the first part has a suit pending in the Circuit Court of Cooweescoowee District for a divorce, property and the custody of the following named children viz: Harvey Bolen and Adenia Bolen:The party of the second part in consideration of the relinquishment of all claims by the party of the first part to the property sued for in said suit and the withdrawal of all charges of cruel treatment and abusive language and abandonment and custody of the child Harvey Bolen agrees to consent to the party of the first part having a divorce and the custody of the child Adenia Bolen.

The party of the first part to have the divorce without prejudice to the rights and citizenship of either.

In witness whereof we hereby affix our names on this the 7th day of June 1907.

Lola Bolen,
E.C.Bolen.

Witness,
Jas.S.Davenport,
D.C.Allen,

Cherokee Nation,
Tahlequah I.T.

I,D.C.Allen, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the record and record of the Circuit Court of Cooweescoowee District Cherokee Nation, now [illegible] this office by law and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 8th day of February 1908.

Assistant Executive Secretary
Cherokee Nation.

Cherokee D 582

Stipulation.

This agreement entered into by and between Lolo Bolen and E. C. Bolen, parties of the first and second parts respectively. Witnesseth:

Whereas the party of the first part has a suit pending in the Circuit Court of Cooweescoowee District, for divorce, property and the custody of the following named children, Vdz: Harvey Bolen and Adenia Bolen:

The party of the second part, in consideration of the relinquishment of all the claims by the party of the first part to the property sued for in said suit, and the withdrawel of all the charges of cruel treatment, abusive language and the custody of the child, Harvey Bolen, agrees to consent to the party of the first part having a divorce and the custody of the child, Adenia Bolen.

The party of the first part to have the divorce without prejudice to the rights and citizenship of either.

In witness whereto, we hereby affix our names on this 7th, day of June 1897.

Lolo Bolen.
E. C. Bolen.

Witnesses.
Jas. S. Davenport.
E. C. Alberty.

Executive Department, Cherokee Nation.
Tahlequah, Ind. Terr. Oct. 17th, 19

I, A. B. Cunningham, assistant executive secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct copy of a stipulation entered into by and between Lola Bolen and E. C. Bolen, as taken from the Circuit Court record of Cooweescoowee District for the July term of said Court 1897. The said record now being a part of the records of this office.

In Testimony whereof, I hereunto set my hand and affix the seal of the Cherokee Nation the day and date above written.

SEAL

A. B. Cunningham.
Assistant Executive Secretary.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a true and correct copy of the certified copy on file in this office.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF INDIAN AFFAIRS
RECEIVED

(Signed) Chas. A. Davidson

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 24 day of January, 1900 ~~XXX~~, at M., and duly recorded in Book I, Marriage Record, Page 189

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 1 day of Feby, 1900 ~~XXXX~~. A. D.

(Signed) Chas. A. Davidson Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 11, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of E. C. Bolen as a citizen of the Cherokee Nation.

CERTIFICATE OF TRUE COPY.

United States of America,)
Indian Territory, (ss.
Northern District)

I, Charles A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, and ex-Officio Recorder of said District, and Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of Marriage License filed in my office an the 24 day of Jany,1900,

Witness my hand and seal of said Court at Muscogee, in said Territory, this 3" day of April, A.D.1902.

(Signed) Chas. A. Davidson.
Clerk and Ex-Officio Recorder.

By (signed) R.A.Owen.
Deputy Clerk.

(SEAL)

(17)

MARRIAGE LICENSE.

Cherokee D-682

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

No. 1

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between

Mr. C. Bolen, of Nowata, in

the Indian Territory, aged 29 years, and Miss Minnie Conner,

Nowata, in the Indian Territory, aged 22 years,

according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory this 2nd day of

Jany A. D. 1900

Clerk of the U. S. Court.

By (Signed) T.A.Chandler Deputy.

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
NORTHERN DISTRICT. } ss.

I, T.A.Chandler, U.S.Dept Clerk
a Minister of the Gospel, for Northern District,

do hereby certify that on the 2nd day of Jany, A. D. 1900, I did duly and

according to law solemnize the Rite and publish the Bans

of Matrimony between the parties therein named.

WITNESS my hand this 2nd day of Jany, A. D. 1900

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book , Page

S U P P L I M E N T A L

Department of the Interior

D.582. Commission to the Five Civilized tribes,

Claremore, I. T. October, 23rd, 1900.

In the matter of the application of Edward C. Bolan for enrollment as a Cherokee Citizen. LORENDA E. CLARK being sworn in said cause testified before the Commission as follows:

Q What is your name? A. Lorenda E. Clark.

Q How old are you? A. 34.

Q What is your post office? A. Nowata.

Q You wish to give some testimony in re[illegible] Edward C.Bolan, Jr. [illegible] examine you.

By Cherokee Representative Baugh—

Q.What relation did Edward C. Bolan [illegible] 1893? A. He was my husband.

Q When did you [illegible] A. November, 15th 1894.

Q Give the [illegible] of your separation. A Desertion [illegible] you? A. [illegible] Q. Was there any [illegible] anything you? A. No sir. Q. Did you ever [illegible] always live together as husband and wife in good [illegible] A. Yes sir.

~~Q I see that you have signed an agreement here, did you read~~ [illegible] of your signing it? A. The main [illegible] and sent [illegible] in getting [illegible] to settle it in some way. My mother [illegible] in filing the case.

Was it your understanding that you were to have [illegible] custody of the child? A. [illegible] all it was that I was to [illegible] forwards.

[illegible] the judge's [illegible] this [illegible] was it read just as it was.

[illegible] before you signed it. [illegible] A [illegible]

Commissioner.

"R"

Cherokee D 582

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Edward C. Bolen for enrollment as a Cherokee citizen.

Appearances:
E.B.Lawson, Nowata, I. T., attorney for the applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March,1902; receipt has been acknowledged of the Commissin' letter, and the applicant this day, to-wit: the 5th day of March,1902, appears in person and by his attorney, E.B.Lawson, of Nowata, I. T.

EDWARD C. BOLEN, being first duly sworn and being examined testified as follows:
BY MR. LAWSON:
Q State your name? A Edward Bolen.
Q You were formedly married to Lola Smith, or Lola Bolen were you not? A Yes sir.
Q Is she dead? A No sir.
Q Were you divorced from her? A Yes sir.
Q In what court? A In the Court at Claremore.
Q The Cherokee court? A Yes sir.
Q There was a stipulation for settlement of that divorce between yourself and Mr. Bolen? A Yes sir.
Q Was that stipulation signed by both you and your wife? A Yes sir.
Q You have examined this stipulation, is that certified copy of or is that a copy of the stipulation that was entered into between you and your wife? (Shows applicant paper.) A Yes sir. (Hands paper to Mr. Hastings.)
Q I will ask you if the divorce was granted on that stipulation? A Yes sir.
Q You have one of the children have you? A Yes sir.
Q What is its name? A Harry Orlando Bolen.
Q Then that stipulation filed, the divorce was granted on that you say? A Yes sir.
MR.HASTINGS waives cross-examination.
BY MR. HASTINGS: Cherokee Nation objects to offers in evidence a certified copy of decree of divorce.
BY COMMISSION: The document will be filed.
BY MR. LAWSON: We submit the case and I desire to file brief.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case, same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.
The attorney for the applicant also filed brief, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

I, J. Green stenographer to the Commission to the Five Civilized Tribes do certify that I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of my stenographic notes thereof.

Before the Honorable Dawes Commission, sitting at Muskogee, I. T.

In the matter of the application for enrollment as a Citizen of the Cherokee Nation of Ed. Bolen.

Applicants Brief.

The only contention in this case is as to the divorce between appli cant and his former Wife, Lola Bolen.

It seems that Lola Bolen the former Wife of applicant, Ed. Bolen sued applicant for divorce in the Cherokee courts alleging cruel treat ment, but never at any time or place alleging abandonment.

The applicants filed with this Commission an agreement in the said divorce case wherein it was agreed that a divorce should be granted and that applicant should have the care and custody of the Child, Harvey Bolen, and the Wife, Lola Bolen should have the care and custody of the other Child, and that all charges of cruel treatment, and prayer for alimony should be withdrawn.

It seems to me that the record of the agreement is the best evidence that could be introduced in this case and we would respectfully call the attention of the Commission to it.

We do not see how anyone can successfully contend that the applicant is not entitled to enrollment as he has fully complied with all intermar riage Laws of the Cherokee Nation.

Attorney for Applicant.

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application of Edward C. Bolen as a Citizen of the Cherokee Nation by intermarriage.

Counter brief on part of the applicant.

The Cherokee Nation contends that applicant should not be enrolled for the reason that he deserted his first wife, a Cherokee Citizen; that said first wife has sworn that applicant deserted her and that this statement was not contradicted by applicant.

Now the truth of the matter is as shown by the evidence introduced is that the applicant did swear as follows; "Ques:- In that separation did you leave her or did she leave you? Ans.:- She left me and left the child alone." now the only contradiction of this is the statement of the divorced wife to the contrary.

We would most respectfully call the attention of the Commission to the stipulations on file herein in the divorce suit of [redacted] Lola Bolen Vs Ed. Bolen, now among the statements in said stipulation is the following; "The party of the second part in consideration of the relinquishment of all claims by the party of the first part to the property sued for in said suit and the withdrawal of all charges of cruel treatment and abusive language, and abandonment, and custody of the child, Harvey Bolen, agree to consent to the party of the first part having a divorce and the custody of the child, Adonis Bolen. the party of the first part to have the divorce without prejudice to the rights of Citizenship of either."

Now we contend that the said divorced wife should never have been allowed to have contradicted the record in the said case by any verbal testimony, and we certainly contend that the record in the case is the best evidence.

We therefore think that the applicant should be enrolled as a Citizen of the Cherokee Nation.

Respectfully submitted.

[redacted]

W W Hastings

Cherokee D 582

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Edward C. Bolen for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on October 15, 1900, Edward C. Bolen appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, on October 23, 1900, and at Muskogee, Indian Territory, on March 5, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Edward C. Bolen, a white man, was married under the authority of a Cherokee marriage license on February 23, 1894, to Lola Smith, a Delaware Indian, an adopted citizen of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880. Edward C. Bolen and his said wife lived together about a year and a half and then separated. Lola Bolen entered a suit for divorce against her said husband which suit was terminated by an agreement of separation, on June 7, 1897.

Section 667 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It further appears that Edward C. Bolen was married to Minnie Tanner, a Delaware Indian, an adopted citizen of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, on January 2, 1900, but that said marriage was not entered into in accordance with the laws of the Cherokee Nation.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is, therefore, the opinion of this Commission that the said Edward C. Bolen abandoned, within the meaning of the Section of the Cherokee law above quoted, his first wife, Lola Bolen, nee Smith, through whom he obtained rights of Cherokee citizenship by

intermarriage; that he acquired no rights of citizenship by reason of his marriage to his second wife, Minnie Bolen, nee Connor, and that his application for enrollment as a citizen of the Cherokee Nation by intermarriage should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902

Mr. Edward C. Bolen,

Nowata, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 5th day of March, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representative of the Cherokee Nation will also, at the same time and place, be afforded an opportunity to introduce testimony touching the application herein. Said Representative will be required to notify you of the time when testimony will be introduced by him.

You are required to supply the Commission with a certified copy of the action of the court in the matter of the agreement between you and your former wife, Lela.

Cherokee D-162
Register.

Commissioner in Charge.

Muskogee, Indian Territory, March 29th,1902.

Mr. E. B. Lawson,

Attorney at Law,

Nowata, Indian Territory.

Dear Sir:-

A further search of the Commission's files fails to disclose the whereabouts of jacket No. D-582, containing the testimony and exhibits in the matter of the application of Edward Clayton Bolen for enrollment as a Cherokee citizen, about which you were recently spoken to by the Clerk in Charge of the Cherokee Enrollment Division. All the testimony taken in said application has been procured from the representative of the Cherokee Nation, but it will be necessary that the Commission be supplied with a certified copy of the marriage license and certificate of the applicant to Mrs. [illegible] Bolen, nee Lola Smith, issued by the Clerk of Tooweescoowee District, Cherokee Nation, February 17th,1894. Also a certified copy of the marriage license authorizing the marriage of the applicant to Miss Minnie Conner, issued by the Clerk of the United States Court for the Northern District, Indian Territory. Also a certified copy of the decree of divorce of the applicant's present wife from her former husband, and a certified copy of the decree of divorce of the applicant from his former wife.

E.B.L.-2.

If it is possible for you to furnish the Commission with the documents requested please do so at as early a date as practicable, in order that the Commission may proceed to a final determination of the application of the said Edward Clayton Bolen.

Yours truly,

Acting Chairman.

Cherokee D-532

Muskogee, Indian Territory, November 18, 1902.

E. B. Lawson,

Attorney for Edward C. Bolen,

Nowata, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of November 15, asking for continuance of the hearing of testimony in the matter of the application of Edward C. Bolen for enrollment as a citizen of the Cherokee Nation, this case having been set for the 14th inst.

In reply, you are advised that this case has been continued for further hearing on December 2, 1902 at one o'clock P.M.

Respectfully,

Commissioner in Charge.

Cherokee No.

D. 582

Muskogee, Indian Territory, January 10, 1907.

Edward C. Bolen,

Nowata, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS IN THIS OFFICE SHOW That prior to October 31 1902 applications were received by the Commission to the Five Civilized Tribes for the enrollment as citizens by intermarriage of the Cherokee Nation of the following named persons who are listed for enrollment as Cherokee by intermarriage of the Cherokee Nation on the Cherokee land allotment cards corresponding to the numbers following their respective names, viz:

James Watson	1
Benjamin W. Watson	2
Lena Sequita	3
Sarah E. Mills	4
Jennie Hutchinson	5
Lucia Hanson	6
William W. Baxter	7
Georgia Wood	8
Walter A. Foster	9
Lulu G. Ward	10
Samuel J. Crow	11
Nancy M. Thomas	12
William H. Osborn	13
William A. Ward	14
Thomas N. Hilton	15
Lizzie Ann Rankin	16
Ida M. Jones	17
Gertrude Thomas	18
Virgil Wilkie	19
Mary A. Wilkie	20
John W. Thompson	21
Thomas Hastings	2704
Lucinda Hastings	2705
John Witherspoon	2706
Thomas Chisum	2707
Thomas A. Shadrick	2708
Nestor C. Martin	2709
William Gregory	2710
William J. Langley	2711
Joseph T. Wilkie	2712
Jessie T. Miller	2713
George A. Waters	2714
Jennette Mosser	2715
Joseph A. Parker	2716
Nathaniel C. Rockett	2717
William Hinkle	2718
Maggie Fairchild	2719
Martha M. Thomas	2720
Louisa Minnis	2721
Thomas Donaldson	2722
John F. Lawson	2723
William H. Jamison	2724

[illegible]

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Roxie Shepard	1128
Robert G Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J Keys	1149
Joseph M Correll	1177
Jane Ratley	1225
[illegible]	1234
[illegible]	1247
[illegible]	1264
[illegible]	1265
[illegible]	1275
[illegible]	1276
[illegible]	1278
[illegible]	1289
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L. Morgan	2568
Andrew A Brown	2575
Louis K Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F Eggleson	2668
Elisha M Gray	2686
Jessie M Ballard	2694
Annie Mayes	2798
Belle Sinkater	2809
James P Reey	2825
William Broadus	2854
William A Martin	2865
Joseph Q. Brantley	2888
Margaret I Baker	2965
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Sydney E Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H Gibson	4327
John McFall Jr	4343
Albert W Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A Powell	4390
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Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Frances	4650
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John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
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Joseph A Lawrence	5843
William H Hinton	5846
Joseph Lehr	5851
Enn M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W Young	5872
Farley I Ellis	5874
Rosa B Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H Merchant	5888
John D Merchant	5889
Sarah L Ghormley	5894
Jerry Young	5906
James H Bo	5914
Mary Hu	5929
George W W	5944
Albert Cl	5945
Henry M L	5947
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Robert C Ed	5958
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A L	5960
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George C Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G Langley	6038
John T Ham	6042
Mary L Jordan	6048
John W Bradshaw	6076
James L Dean	6079
Amanda J Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D Ryals	6113
John C DeLozier	6117
Jessie Wade	6118
Mary A Clark	6124
Mar I Eg	6126
Eugene Newt	6136
William A Qua	6138
Hardeman B Tho	6144
Hugh F Wa	6163
Nan	6172
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John T Bla	6384

James J Snider	6375
William H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William A Fisk	6392
William O Ames	6394
Thomas Wilkerson	6396
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Alma West	7159
James M Connally	7161
Frances M Crowell	7163
Fannie L McClure	7171
Benjamin B Graham	7176
Ada Pharris	7180
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Frances B Perry	7191
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Robert T Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8075
Ida Harmon	8046
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
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Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugler	9577
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James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Wattie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary I. Purcell	10051
Marian I. Bronson	10052
George W. Taylor	10053
[illegible]	10054
[illegible]	10055
[illegible]	10056
[illegible]	10058
[illegible]	10059
[illegible]	10060
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nannie Martin		10210
Sarah A Fields		10214
Susie Henderson		10216
Charles H Rienhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Timberlake		10226
George A Brown		10228
Druecilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M Cooter	D	17
Martin L Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	103
George T Kiddy	D	108
Henry C Agent	D	139
Joseph Phipps	D	147
Henry Hutson	D	149
[illegible] A McClamery	D	161
[illegible]	D	169
[illegible]	D	180
Nora Hunt	D	184
[illegible]	D	[illegible]
[illegible]	D	242
[illegible] W Hunt	D	248
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible] H [illegible]	D	[illegible]
[illegible]	D	284
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N Gunn	D	974
Hannah Parson	D	989
Nelhe C Helterbrand	D	1003
Thomas J Welch Jr	D	1006
Lizzie Christian	D	1040
George Hazlewood	D	1043
James M Jones	D	1022
Reuben A Evans	D	1032
Carrie H Cobb	D	1040
John M Burns	D	1069
Sarah E Herbert	D	1085
Laura D Herbert	D	1086
Hettie E Dearing	D	1096
Benjamin L [illegible]	D	1099
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]

Herbert F Couch	D	2700	Samuel A. Parkhurst	D	2821
Albert C Dykes	D	2703	Ellen Rogers	D	2822
Delora Drew	D	2704	Elijah Rolland	D	2827
Frank E Danderson	D	2705	Endora Steele	D	2828
James Gafford	D	2708	William M. Stucker	D	2829
Anna L Harlin	D	2715	Sallie Tauuneacie	D	2831
William R Lipsey	D	2717	Mary Tassle	D	2832
Bertha Landrum	D	2718	John F. Wolf	D	2835
Lila More	D	2722	Ruth A Ward	D	2840
John D Matheus	D	2723	Winnie Daugherty	D	2884
Mary McIntosh	D	2725	Mary Guthrie	D	2885
Bertha Nuhffer	D	2730	Lydia Long	D	2886
Richard Nichols	D	2731	Edda Roberts	D	2887
William S Ross	D	2738	Manda Ward	D	2889
Irene Rice	D	2739	Elmara J Alberty	D	2905
William H Rowden	D	2740	Thomas C Cordray	D	2906
[illegible] C Scroggins	D	2741	Edward Fowler	D	2907
[illegible] Swanson	D	2743	Dora Foreman	D	2908
[illegible] Sage	D	2744	Parker Holt	D	2909
[illegible]	D	2748	[illegible] Hooton	D	2910
[illegible]	D	2749	[illegible] Harris	D	2911
[illegible]		[illegible]	[illegible]	D	2913
[illegible]		[illegible]	[illegible]	D	2915
[illegible]		[illegible]	[illegible]	D	2917
[illegible]		[illegible]	[illegible]	D	2918
[illegible]		[illegible]	[illegible]	D	2919
[illegible]		[illegible]	[illegible]	D	2920
[illegible]		[illegible]	[illegible]	D	2981
[illegible]		[illegible]	[illegible]	D	2984
[illegible]		[illegible]	[illegible]	D	2987
[illegible]		[illegible]	[illegible]	D	2988
[illegible]		[illegible]	[illegible]	D	2989
[illegible]		[illegible]	[illegible]	D

Lue Fish	D	3081
Horace Gray	D	3082
Lula Paek	D	3083
Lelia C Harris	D	3084
Thomas Jones	D	3086
Benjamin Laws	D	3088
Martha Spade	D	3092
Johan Wyrick	D	3093
Samuel Harlan	D	3157
Lizzie Phariss	D	3171
Jack Michael	D	3172
Sarah E. Davis	D	3176
Grace Guthrie	D	3181
Mary E. Thornton	D	3183
Mamie Thompson	R	4
Jennie G. Thompson	R	5
William T. Kelly	R	10
Alex Tidwell	R	19
Rosetta McLaughlin	R	41
Martha A. Foster	R	45
Gertrude L. Foster	R	61
Della Baldridge	R	105
Samuel Richey	R	107
Malissa Fields	R	144
Fred Zimmerman	R	220
Ella Anspach	R	241
Michael R. Mizer	R	266
Belle A. Powell	R	352
Austin L. Hill	R	420
Mary L. Dudley	R	439
Stephen Hazlett	R	465
Mary A. Payne	R	484
Rebecca Benge	R	563
Sarah Wilson	R	613
Dora Crane	R	628
Andrew Sitrell	R	642
John Sitrell	R	642
Lillie May Wilson	R	643
Ollie A. Barger	R	656
Ida Hawkins	R	671
Lizzie Davis	R	761
Clara M. Emmons	R	803

Cherokee D
582

Muskogee, Indian Territory, March 14, 1907.

Edward C. Bolen,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

WPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-[illegible]
LMC

Cher R 1128

Drawn from Cher D584

See Testimony in Cher R1072

Cher R 1128

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct 15 1900.

1 Name Audrey C Atkins Nowata I.T.

District . . . . Year Page No.

Citizen by blood Yes Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

2 Wife's name Lizzie Atkins Nee Lawson

District Col- Year Page No.

Citizen by blood Yes Mother's citizenship Cher.

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist	Year	Page	No	Age
3 Arthur C Atkins	Col	1900	122	152	8
4 Clara "	Dist	Year	Page	No	Age 5
5 Edgar "	Dist	Year	Page	No	Age 3
Lizzie "	Dist	Year	Page	No	Age 2 Mos
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age

March 28th, 1891

License this day issued to A. C. Adkins of the United States to marry Miss Lizzie Dawso n, a citizen of the Cherokee Nation.

Petition signed by the following citizens: W. V. Carey, E. Dawson, T. Dawson, S. S. Percell, Wm. Franklin, Lucy Ringo, E. Mabry, Mary J. Flanagan, Rosa M. Metryers (Looks like) Addie J. Merrett, Bell Foster and ########## Mrs. Susie A. Reanbin.

Parties were united in matrimony on the 29th day of March 1891 by Rev. Andrew D. Jacke, a minister of the gospel.
Recorded this 15th day of April A. D. 1891.

H. H. Trott, Clerk
Cooweescoowee Dist. C. N.

Executive Office Cherokee Nation,

Tahlequah Ind. Ter.

I, B. W. Alberty, Assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy made from the marriage record of Cooweescoowee District Cheroke Nation now filed in this office by an act of the National Council and in my legal custody.

Given under my hand and the seal of the Cherokee Nation this 8th day of February 1902.

(Signed) B. W. ALBERTY
Assistant Executive secretary
Cherokee Nation.

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above copy, and that the same is a full true and correct copy of a Certified Copy of the Marriage Record mentioned, filed with this office.

Subscribed and sworn to before me this 23rd day of February, 1902

Notary Public

Department of the Interio,
Commission to the Five Civilized Tribes,
Nowata, I. T., Octo., 15th 1900.

In the matter of the application of Andrew C. Atkins, for the enrollment of himself, wife and children as Cherokee Citizens. He being duly sworn by the Commission testified as follows--

Q How old are you? A 40.
Q What is your postoffice address? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply? A Myself, wife and children.
Q What is the name of your wife? A Lizzie.
Q What was her name before you married her? A Lizzie Dawson.
Q How old is she? A 27.
Q What is the name of her father? A F. M. Dawson.
Q What is the name of her mother? A I don't know.
Q Is F. M. living? A Yes sir.
Q You don't know the name of your wife's mother? A No sir.
Q Have you any certificate of your marriage? A The Dawes Commission has my marriage.
Q When were you married? A 29 day of March 1891.
Q You say that your certificate is in the hands of the Dawes Commission? A Yes sir.
Q When was it sent there? A Fall of 1897, to Fort Gibson.
Q Is your wife a Cherokee by blood? A Yes sir.
Q What is the name of your children? A Arthur, age 8 years old. Edna E., 5 years old, Edward C. 3 years old and George J. F., born the 6th of August.
Q Have you any proof as to the birth of these children? A Yes sir. Applicant presents certificate as to the birth of his two children whose names are not enrolled on the 1896 census roll.
Q Have you any person here who knows that you were married? A Yes sir.
Q Who? A F. M. Dawson there known about it.

F. M. DAWSON being called and sworn by the Commission testified in the above entitled cause as follows-
Q What is your name? A F. M. Dawson.
Q What is your age? A 58.
Q What district do you live in? A Delaware.
Q Do you know Andrew C. Atkins here? A Yes sir.
Q Do you know his wife? A Yes sir, she is my daughter.
Q Are they married? A Yes sir.
Q Did you see them married? A No sir, was not present when he was married but saw the marriage license.
Q Were they married according to the laws of the Cherokee Nation? A Yes sir.
Q About when was it that they were married? A I don't remember exactly.
Q Was it before 1896? A Yes sir.
Q Has he been living with his wife continuously ever since? A Yes.

Applicant presents a certificate of admission to Cherokee citizenship dated at Tahlequah, January 11, 1883, signed by Thomas Foreman, President of the Commission and by Elias Rolf and T. F. Thompson Commissioners, certified to by D. W. C. Duncan, clerk of the Commission and attested to by John D. Adair assistant Secretary of the Cherokee Nation with the great seal of said Nation thereon, certifying that among others that one F. M. Dawson was admitted to citizenship in the Cherokee Nation on the 11th day of January, 1883.

Andrew C. Atkins. 2

Q You say that your wife's father was named F. M. Dawson? A Yes sir.
Q Is he the same and identical F. M. Dawson who is identified in this certificate? A Yes sir.
Q Is your name or that of your wife upon the 1896 census roll? A No sir.
Q Why didn't you and your wife get on the 1896 census roll? A I don't know except that they said that we did not have our papers in shape to satisfy them here.
Q Did you draw the strip money? A Yes sir.
1894 roll, page 122, No. 149, Lizzie Atkins, Cooweescoowee,
1894 " " 122 " 150, Arthur Atkins, "
Q How long have you lived in the Cherokee Nation? A10 years.
Q Been living here continuously all that time? A Yes sir all except when I went off on a visit.
Q How long has your wife lived in the Cherokee Nation? A Since 1883.

The name of Andrew C. Atkins does not appear on the census roll of 1896. He states that he was married to his wife, Lizzie Atkins in 1881, and that his certificate of marriage is in Muskogee with the Dawes Commission. He has made satisfactory proof, however, as to his marriage to his wife whose maiden name was Lizzie Dawson. The name of his wife Lizzie Atkins does not appear on the census roll of 1896, but does appear on the pay roll of 1894. He avers that she is the daughter of F. M. Dawson and presents a certificate of his admission to Cherokee Citizenship in 1883, a more particular description of said certificate being found in the testimony. The name of their oldest child, Arthur, appears upon the pay roll of 1894 but does not appear on the census roll of 1896, neither do the names of any of his other children, Edna E., Edward C. or George J. F. He presents sufficient proof as to the birth of his two youngest children, Edward C. and George J. F., but presents no satisfactory proof as to the birth of Edna E. They being duly identified and having made satisfactory proof as to their residence, but because of the protest entered by the Cherokee Nation as to the enrollment of F. M. Dawson the father of applicants wife, Lizzie Atkins, the name of the applicant Andrew C. Atkins, as a citizen by intermarriage, and that of his wife, Lizzie Atkins and his children, Arthur, Edward C. and George J. F. as Cherokees by blood will all be placed on a doubtful card until such time as further proof of the citizenship of said F. M. Dawson has been established. And in order for him to have his child Edna placed with himself and family on said card it will be necessary for him to supply the Commission with proper certificate as to her birth.

Thos. von Wolse being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above cause and that the foregoing is a full, true and complete transcript of his stenographic notes in said proceedings.

[illegible] Thos. von Wolse.

Subscribed and sworn to before me this the 18th day of October, 1900.

[illegible] T. P. Needles.
Commissioner.

[illegible] Smith, being first duly sworn, states that she made the foregoing copy and that same is a true and complete copy of a document on file with the Commission.

Subscribed and sworn to before me this August 20, 1904.

[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 15, 1900.

In the matter of the application of Arthur C. Atkins for enrollment as a Cherokee citizen.

Additional testimony.

William R. Dawson, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William R. Dawson.
Q What is your age? A 24 years old.
Q What is your post office? A Talala.
Q Do you know Andrew C. Atkins? A Yes, sir.
Q Know his wife, Lizzie? A Yes, sir.
Q Know whether they were married or not? A I was a witness.
Q Who married them? A Parson Jack.
Q Where at? A In Claremore.
Q What year was it? A In 1891.
Q They been living together ever since as man and wife? A Yes, sir.
Q You any relation to his wife? A I am a brother.
Q Is Parson Jack living? A I don't know.
Q Were they married according to the laws of the Cherokee Nation?
A Yes, sir.
Q She was a white woman, was she? A No, sir, she is a Cherokee
Q He is a white man? A Yes, sir.
Q Did he have a license? A Yes, sir.
Q You certain he had a license? A I suppose he did, he said he had; I am not certain but what they presented them, I am not positive about that.

———o———

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 15th of October, 1900.

Commissioner.

To be filed in C. D-584.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation. He being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixty years old.
Q What is your postoffice address? A Afton now, it used to be Oseuma.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes sir.
Q When were you married to her? A I think it was on the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes sir.
Q A Minister of the Gospel? A Yes sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes sir.
Q Did you have any children by her? A yes sir.
Q Whar are their names? A William R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? Johnnie.
Q The next child? Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes sir

JOSEPH R. DAWSON, being sworn and examined by the Commission, testified as follows:
Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 18th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes sir.
Q How are you related to him? A A brother.
Q Did you know his former wife, Julia? A Yes sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what, they married in the states.
Q Do you know when he was married to her? A Yes sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes sir.
Q Did they continue to live together as man and wife up until the his wife Julia died? A Yes sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:
Q What is your name? A John K. Stevens.
Q How old are you? A 36 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes sir, as we call him, Mad Dawson.
Q How long have you known him? A My first acquaintance with him was in '81.
Q Did you know his first wife Julia? A yes sir.
Q Do you know whether or not they were married? A Yes sir, they were married.
Q Were you present at the marriage? A No, I wasn't present at the marriage.

Q Did you see them soon after their marriage? A Yes sir.
Q Did you continue to know them for any length of time afterwards?
A I knowed them as long as she lived.
Q During the time you knew them did they live together as husband and wife? A Yes sir.
Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:
Arizona Allred et al D-835; John Dawson D-580; William R. Dawson D-581; Lizzie Dawson D-584 and Francis M. Dawson Jr. D-588.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. C. Rothenberger.

Louise Smith, being duly sworn, states that she made the foregoing copy and that same is a true and complete copy of a document on file with the Commission.

Louise Smith

Subscribed and sworn to before me this August 20 1904.

Notary Public.

R

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 10th, 1902.

In the matter of the application of Andrew J. Atkins for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Lizzie Atkins, and his children, Arthur, Edna E., Edward C. and George W. F. Atkins, as citizens by blood of the Cherokee Nation.

Supplemental to D-584.

ANDREW J. ATKINS, being duly sworn, testified as follows;
Examination by the Commission.

Q. Give your name, age and postoffice address? A. Andrew J. Atkins, Nowata, age 42.

Q. Are you the same Andrew J. Atkins who made application to this Commission for enrollment as an intermarried citizen on October 1900? A. Yes sir.

Q. What is your wife's name? A. Lizzie.

Q. Is she living? A. Yes,sir.

Q. And a witness to yours? A. Yes,sir, that is what my marriage certificate shows that when we were application they put us on a

Q. When were you married to your wife, Lizzie? A. [illegible] of March, 1891.

Q. Are you ever married prior to your marriage to your wife, Lizzie? A. No sir.

Q. Was she ever married prior to her marriage to you? A. No sir.

Q. You are now first husband and wife? A. Yes sir.

Q. Have you lived together as husband and wife at the first of

Q. [illegible]

Q. [illegible]

Q. [illegible]

Q. [illegible]

Q Have they lived all their lives in the Cherokee Nation?
A Yes sir.
Q Never lived any where else? A No,sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Jesse O. Carr.

Subscribed and sworn to before me this 10th day of November, 1902.

(SEAL) (Signed) W.C.Jones.
Notary Public.

The undersigned, bein first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 17th day of August, 1904

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B NEEDLES.
ALLISON L. AYLESWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, I.T., November 24, 1899.

Mr. A. C. Atkins,

Nowata, Indian Territory.

Dear sir:

I am in receipt of your letter of November 22d asking that your marriage certificate which you left with the Commission in 1897 be returned to you. All papers of this character are retained by the Commission for its information and cannot be returned unless good reason be shown therefor. It is for your interest that it be retained here in connection with the enrollment of Cherokee citizens when that work is reached. If it be absolutely necessary that you have this certificate, explain the facts to the Commission and I will see what can be done.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February, 1st 1902

Andrew C. Atkins,

Nowata, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and four minor children

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 17th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee 3-684

Register.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of .....
for enrollment as a ~~Cherokee Freedman~~.

No. F. D. .....

....., of lawful age, being duly sworn on oath states that on the ..... day of ....., A. D., 1902, he registered to ..... whose postoffice is ..... Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at ..... Indian Territory, and that on the ..... day of ..... 1902, he received the return card which is hereto attached signed by the said ..... showing that he had received said notice.

Subscribed and sworn to before me on this ..... day of ..... A. D. 1902.

.....
Notary Public.

C. D. 584.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

[redacted]

NOTICE!

IN THE MATTER OF the application of Richard T. Atkins for enrollment as Cherokee citizens:

Case No. D 694

To Richard T. Atkins Navarla 207

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof the undersigned representatives of the Cherokee Nation have hereunto set their hands this [illegible]

W. W. [illegible]

Attorney for the Cherokee Nation

COPY.

Cherokee D-324--

Muskogee, Indian Territory, January 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 13, 1902, granting the application for the enrollment of Francis ... Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert E. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Dulawsky, Dora Dulawsky, Ida Dulawsky, Annie Dulawsky, Blanche Dulawsky, Ray Dulawsky, Oscar Dulawsky, John W. Dawson, Katie Coleman, John Dawson, Robert L. Dawson, Lula M. Dawson, Samuel M. Dawson, Rosa E. Dawson, Charles B. Dawson, Mattie J. Dawson, Jennings B. Dawson, James T. Dawson, Virgal C. Dawson, Thomas P. Dawson, Charles J. Dawson, Orlo M. Dawson, Burr R. Dawson, James T. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ona Gray, Cecil Gray, Velton Gray, Effie Akin, Wesley J. Beale, James E. Bagle, Edna D. Bagle, John B. Bagle, Minnie E. Bagle,

Claud Dogle, Nancy Edith Dogle, Joseph R. Dawson, Clarence E. [illegible], Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Purdy T. [illegible], Wilburn Dawson, Edgar Dawson, James R. Dawson, Vinnie [illegible], Ermire C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie [illegible], Lora Moore, Walter Moore, Clara Moore, Ora Moore, James W. [illegible], Mina E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Dora Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil W. Patterson, William C. Dawson, Robert [illegible] Dawson, Elbert [illegible] Dawson, Ralph [illegible] Dawson, Richard W. Dawson, Ina F. Dawson, Ella L. Spickerman, Helen J. Spickerman, William Glenn Spickerman, Missouri Graham, Emma [illegible] Graham, Robert S. Graham, Gideon Graham, Ella M. Graham, Nellie T. Graham, Francis M. Graham, Mary E. Graham, Jesse E. Graham, Ernest [illegible] Graham, Thomas M. Graham, Lawrence A. Painter, Ann [illegible] Painter, Ray [illegible] Painter, [illegible] Painter, Ray [illegible] Painter, [illegible], Theodore P. Graham, Myrtle Graham, [illegible], William C. Graham, [illegible] Graham, Ella [illegible] Graham, Lee Graham, Lee Tillie Neal, James E. Graham, [illegible], Samuel Graham, Floyd Graham, Ella Lawson, Ira [illegible], Willie B. Barker, Floyd Warren, [illegible], Willard E. Tarlton, Nellie A. Lafever, Fannie Lemon, Minnie M. Lemon, Myrtle Lemon, [illegible], Bruce E. Walker, [illegible] Walker,

Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Otto Brader, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Stanley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Mamie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mother A. Fulton, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Mina T. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation, rejecting the application for the enrollment of Arizona Alfred, William T. Alfred, Francis M. Dawson, Lucia Jackson Lincoln Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Love, Jim Love, Melva Love, Roberta Love and Rosa Love as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Grace V. Jackson, Lizzie Graham and Margaret Graham.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-130.

(C O P Y)

Refer in reply
to the following:
Land 13855-1903.

Department of the Interior,
Office of Indian Affairs
Washington, Oct. 15,1903

CHEROKEE ENROLLMENT
Francis M. Dawson et al., Group 1

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from the Commission to the Five Civilized Tribes, dated February 25, 1903, transmitting the record relative to the consolidated case of Francis M. Dawson, et al., applicants for enrollment as citizens of the Cherokee Nation.

December 23, 1902, the Commission found that certain of the applicants whose names will be given hereinafter were entitled to enrollment as citizens. The Nation protests against the Commission's decision and takes the position that certain of the parties to this case and some of their ancestors from whom the descendants claim the right to enrollment were enrolled by fraud. The Nation claims "that not a single drop of Cherokee blood courses through the veins of any of these applicants", and that "they illegally used money with which to secure perjured testimony and to bribe the attorneys of the court and the court itself".

The Commission included all of the applicants in one decision, but for your convenience the office will treat the case by

groups, mentioning the parties in each group in separate reports and give the group to which they belong and the page of the group where the testimony relating to the principal applicant begins.

D-324, group 1, page 1.

Francis M. Dawson applies for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob L., Hugh A., and Laura A. Dawson, as citizens by blood, and for the enrollment of his wife, Katie Dawson, as an intermarried citizen.

D-580, Group 1, page 7.

John Dawson applied for the enrollment of himself as a citizen by blood.

D-581, Group 1, page 9,

William M. Dawson applies for the enrollment of himself and his wife, Fannie V. Dawson, as citizens by blood. The Commission states that Fannie V. Dawson has been differently classed and is not enforced in its decision, consequently her application will not be considered herein.

D-584, Group 1, page 11.

James L. Dixon applied for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife,

Lizzie Atkins, and his minor children, Arthur, Edna E. , Edward C. and George J. F. Atkins, as citizens by blood.

D-588, Group 1, page 19,

Francis M. Dawson , Jr., applied for the enrollment of himself as a citizen by blood.

D-835, Group 1, page 20,

Francis M. Dawson, Sr., on November 20, 1900 , applied for the enrollment of his daughter, Arizona Allred, and his grandson, William C. Allred, as citizens by blood.

Francis M. Dawson was admitted to citizenship in the Cherokee Nation January 11, 1883, He is a son of Robert Dawson who was admitted at the same time. He was admitted by what is generally known as the "Tehee Court." His wife, Katie Dawson, has not been admitted to citizenship. She is a white woman. The applicant has lived in the Cherokee Nation since 1883. Lula, May, Jessie J., Janet Levi, Hugh A. and Laura A., are the issue of this marriage. The These children, as well as their parents , are identified by the 1896 census roll, and the testimony shows that the minor applicants were all born since their father's admission. Francis M. Dawson's first wife was named Julia Ann Dawson, nee Howard. They were married January 7, 1864, and lived together until her death. The issue of that marriage is William C., Francis M., Jr., John, Elizabeth and Arizona Dawson, nee Allred.

John Dawson(group 1, page 7,) is a son of Francis M. Dawson. His name appears on the 1894 strip payment roll. He wasa minor when his father was admitted. His name does not appear upon the 1896 census roll.

William R. Dawson (group 1, page 9) is a son of Francis M Dawson. He was a minor when his father was admitted to citizenship December 23, 1896, he was married in accordance with the laws of the Cherokee Nation to Fannie L. Foreman. He has, lived in the nation continuously since his father(s admission. He is identified by the 1896 roll. Fannie L. Dawson, nee Foreman, is identified by the 1880 roll as a native Cherokee.

Andrew J. Atkins (group 1, page 11) was married March 2?, 1891 , to Lizzie Atkins, nee Dawson, a daughter of Francis M. Dawson. The name of Lizzie Atkins and that of their eldest child, Arthur Atkins, appears on the 1894 strip payment roll. The three younger children, Lena L., Edward C. and George J. Atkins, are identified by birth affidavits. Andrew J. Atkins was enrolled in the Cherokee Nation through marriage.

Fannie Y. Dawson,Jr. (group 1, page 13) is a son of Francis M. Dawson, Jr., and a grandson of Robert Dawson, the two latter having been admitted to citizenship in the Cherokee Nation January 11, 1883.

Arizona Alfred (group 1, page 15) is a daughter of Francis M. Dawson and a granddaughter of Robert Dawson, and William R. Alfred

is a child of Arizona Allred by her husband, Lee Allred, a white man, to whom she was married in 1895. She was born in Arkansas, settled in the Cherokee Nation in 1894, stayed there two or three years and returned to Arkansas. She came back to the Cherokee Nation in 1896,, stayed about a mont and went to Arkansas, returned in September, 1898, stayed about a year, and then returned to Arkansas. She was a minor when her father was admitted. Her name is on the 1896 roll, as is also the name of her child, William C. Allred. The record does not show that she has any property in the Cherokee Nation, but from the record it appears that she removed to and settled in the nation in 1894.

The Tenee Court which admitted the parties from whom these applicants claim descent was composed of Thomas Tenee, president of the commission or court, and Alex Wolfe and F. W. Thompson, members of the commission or court. [illegible] Duncan was clerk of the commission or court, and Jesse C. Adair was at that time assistant executive secretary of the Cherokee Nation.

In addition to the brief [illegible] mentioned the Cherokee Nation, by its attorneys, William J. Hutchings and William P. Hutchings, filed a printed brief and argument, as did also U.S. Pruitt, F. T. Pellette and A. L. Wehrman, attorneys for the applicants.

The right of these applicants to enrollment depends upon whether they or their ancestors were properly admitted to citizenship of the Cherokee Nation, subject to [illegible], if any there be, where

any applicant or applicants have expatriated such citizenship, provided such applicants or their ancestors were admitted by proper authority.

There are ten groups of this case and as the same principle practically, is involved throughout the entire case, a discussion of the admission of the applicants or their ancestors will be made in this report only and in transmitting the other groups this report will be referred to.

The Commission to the Five Civilized Tribes, in its decision of December 23, 1902, found that all of the applicants to this group, except Arizona Allred and William T. Allred (D-835, Group 1,, page 20), were entitled to enrollment as citizens of the Cherokee Nation, Katie Dawson and Andrew . Atkins as citizens by intermarriage and the others as citizens by blood. The officedoes not consider that there is any question as to the rights of the applicants to this group who apply for enrollment as citizens by blood except Arizona Allred and William T. Allred, provided the applicants to their ancestors were properly admitted. It will therefore only be necessary to pass upon the rights of the two exceptions to enrollment by reason of any circumstances other than their relationship to the admission of their ancestors.

Arizona Allred was a minor when her father, Thomas L. Allred, was admitted to enrollment. She married and settled in the Cherokee Nation in 1 90. She only resided about two years after her marriage to Allred. The record does not show that she obtained

any property in the Cherokee Nation; neither does it show that she became a citizen of any other country. Under the doctrine laid down by the Department in the William P. Casey case it is necessary to conclusively establish that a citizen not only removed from the Cherokee Nation with his effects , but that he became a citizen elsewhere. This record does not show that Arizona Allred became a citizen of any other jurisdiction; neither does it show that she removed from the Cherokee Nation intending to renounce her allegiance to and citizenship in the Cherokee Nation. It is believed by the office, therefor e , that she and her minor children are entitled to enrollment as citizens of the Cherokee Nation by blood, provided her father , Francis M. Lawson, Sr., was legally admitted to citizenship in the nation.

The attorneys for the petitioners in their brief in addition to the objections to the enrollment of these parties hereinbefore cited, say:

1. Were improper means used by them to obtain a favorable decision in their behalf from the citizenship court.

2. Were the evidence relied on by them, in other words, was the [illegible] sufficient to establish [illegible] of relief?

Dawson, applied to the Commission in 1895; they were rejected and appealed to the court where the decision of the Commission was sustained. The Department has, however, in the Wiley Adams case (letter May 21, 1903--I.T.D. 4398), held in substance that the decision of the Commission in 1896 adverse to the applicant, if his name appeared on a roll, was of no avail, and the office does not understand that there is any difference, under the same circumstances, between a decision of the Commission which became final by reason of no appeal having been taken and the decision of the court affirming the decision of the Commission, which decision of the court became final. The attorneys for the Cherokee Nation conclude their brief as follows:

"The testimony shows that all the members of the Lawson family, admitted since 1896, were admitted upon the strength of the admission of Robert Lawson, et al., January 11, 1883, and the proof of their relationship to him, and therefore if the Lawson deed was tainted with fraud the entire structure must be rejected."

The attorneys for the applicants, briefly stated, claim that the applicants of their ancestors were properly and fully admitted and that the Department is without power to go behind that decision or to question the acts of the Court of Commission in admitting the applicants or their ancestors. The act of January 11, 1883, admitting R. L. Lawson and others to citizenship in the Cherokee Nation is as follows:

[illegible]

No. 108.

The Cherokee Nation.

And now on this the 11th day of January, 1883, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it is adjudged and determined by the Commission on Citizenship, that the Claimants, Rob't Dawson, F. M. Dawson, Albert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Milbron Dawson, James Dawson and Mial Dawson, are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee Citizenship within the Cherokee Nation ~~and that they should be, and they should be, and they are hereby~~ admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

Thomas Pegg, President of Com.
Alex Rolf[illegible]
T. [illegible] Thompson Commissioners

W. C. [illegible] Duncan,
Clerk of Commission.

There has been considerable testimony introduced as to the [illegible] Dawson and other Dawsons admitted in 1880, [illegible] such admission. Briefly stated, this evidence and the circumstances attending the admission of the Dawsons are as follows:

[illegible]

connected with the Dawson case when it was commended in 1881; that it was continued several times for want of evidence; that in January, 1883, he went to Tahlequah for Francis M. Dawson and secured the testimony of Tosh Rogers who knew the Dawson's ancestors. He further testifies that the court rendered a decision against the Dawsons, and that the next morning the case was reopened and a judgment admitting them to citizenship was rendered. He further says that on his way home he remarked to Francis M. Dawson,"It was a pretty hard blow when they rendered a decision against us;" that Dawson replied, "Yes, but Duncan was the man to reach and he reached him with five hundred dollars." Dawson denies this conversation. C. H. Taylor testified that he was an attorney in the case and was present when the decision was rendered. He says that Tehee and Wolf were the only members of the court present when the decision was rendered. He also says that Duncan, the clerk, requested him to let him(duncan) know when large cases were coming up, that he introduced F. M. Dawson to Duncan on January 13, 1883; that he heard part of the conversation between Duncan and Dawson, that Duncan said"there is a hitch in your evidence, if that was straightened out it would be All right." That next morning Dawson told him (Taylor) to call up the case, that no additional evidence was introduced and no argument was made, and that the case was then decided favorably to the Dawsons. He also says that Dawson paid him $5 and said he would pay the remainder in a short time, that in about ten days Dawson sent him $100 with direction to pay half of it to Duncan. that Dawson afterwards sent another hundred dollars with direction to give half of it to Duncan. Dawson denies the testimony of Taylor

except that part relating to the payment of money. He claims that the $20 was sent Taylor about a year after the decision and that he instructed Taylor to pay it over to Duncan in payment for a land claim, and that the other money was sent Taylor in payment of J. N. Bryan's fees as attorney, which Taylor claimed he had for collection against him(Dawson). Taylor's reputation for truth and veracity from the records does not appear to be beyond reproach.

. M. Benge testified that the decision adverse to the clai- of the Dawsons was rendered one evening and reversed the next mornin- witnout the introduction of additional testimony. ThomasB. Eabeart testified that James Lawson with Butler, the court's interpreter, and one Jim Smith, solicitor, for the Cherokee Nation, came to him at Tahlequah, January 10, 1883, to borrow some money; that James Lawson was represented by Butler as a responsible party; that James Lawson claimed he had to have the money that night; that his case was to be submitted the next morning; that Jim Smith had agreed to submit the case without further evidence and that he (Eabeart) let Jim Lawson have $20. A. J. Blackenbeard testified that in 1883 he had a talk with Albert Lawson who told him that he had one witness only, Dr. Baker, an old man about 60 or 70 years of age who did not know straight up', that he would give Dr. Baker three or four bottles of Arkansas whiskey and he would swear white was black'. He also testified that Albert Dawson told him that money was what made the mare go in Texas, and that he had found it

would go in the Cherokee Nation. James W. Lewis testified to a conversation he had with F. M. Dawson about 1883 in which in effect Dawson said that it would cost him $700 to be admitted. C. B. Braught testified that in 1881 or 1882 he was an applicant for admission to citizenship; that while his case was pending he had a talk with Francis M. Dawson who told him that if he got admitted it would cost him $700; that Dawson said that he had paid one witness $300; and that he had made arrangements with the court to have the Dawsons admitted for $100 per family. Dave Meredith testified that he had a talk with James Dawson in 1888 who told him it had cost him $1200 to be admitted.

The Commission states in its opinion that its docket shows that all three members of the court signed its decision. There is some conflict, however in the testimony as to whether Thompson signed his name or whether it was signed by Duncan. Duncan claims that all three signatures were made by him by direction of the members of the court who were present, to-wit: Thomas Tehee and Alex Self [illegible] whom were unable to sign their names. T. M. Thompson, the third member of the commission testified that he did not possess [illegible] and had not had, and knowledge of any corruption [illegible] of the court of commission, or of any member of it or J. [illegible] Dawson, or any member of the Dawson family, or anybody else in connection with the presentation of their claim for citizenship, and that he did not think that there had been any corruption or bribery in connection with the admission of the Dawsons.

The Commission, in its opinion, invites attention to the case of the United States vs. Timmerman [illegible], in which

it is said:

"The doctrine is well settled that the court will not set aside a judgment because it is founded on perjured testimony or for any matter which was actually presented and considered in connection with the judgment assailed."

It appears to this office that the only question to be determined in this case is whether or not the Dawsons were legally and properly admitted by the Tehee Court. The act of admission declared that the Dawsons were of Cherokee blood, and the office does not believe that the Department has power to go behind this declaration and question their blood. It is claimed by the nation that they are not of Cherokee blood. It seems to be true that since 1884 no member of the Dawson family has been admitted to citizenship in the Cherokee Nation by the tribal authorities except Edna Mabry, nee Dawson, and certain other persons parties to the group, but this office does not believe that that fact is sufficient to warrant the conclusion that the Dawsons admitted in 1883 and 1884 were admitted through fraud. From the evidence it appears that [illegible] Duncan clerk of the court, was paid money by the Dawsons through other parties for the interest he took in their case, but there is not a scintilla of evidence which shows, or has any tendency to establish that any member of the court received one cent of money or other thing of value in consideration of rendering a judgment favorable to the Dawsons.

November 2, 1910 [illegible], [illegible] 624, 2447), in the Lydia Frazier et al. case, applicants for enrollment as Cherokees, the Department said, among other things, that it would not "assume fraud in any case or that a party's name has been placed upon the rolls

of the nation without authority of law". This office being of the opinion that the record does not show that the Dawsons procured their admission as citizens of the Cherokee Nation by fraud, or by corrupting or bribing the "Tehee Court", recommends the approval of the Commission's decision as to the applicants in this group, except as to applicants Katie Dawson and Andrew . Atkins , for enrollment as citizens by intermarriage, and as to applicants Arizona Allred and William C Allred; as hereinbefore stated, if believes that Arizona Allred and William C. Allred are entitled to enrollment as citizens by blood of the Cherokee Nation.

Very respectfully,

W. A. Jones,

Commissioner

(C O P Y)

D.C. 10515-1904
ITD 7442-1903
LRS

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.W.H
J.P
W.H.R

March 31, 1904

The Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the record in the matter of the applications of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, transmitted by you February 25, 1903.

In your decision of December 23, 1903, which was transmitted with the record, you disposed of these applications by groups, including in each group the claims of those persons depending upon the same ancestry and source of rights.

In transmitting these applications the Commissioner of Indian Affairs followed your system of grouping but forwarded each group in a separate letter. The Department will follow the course pursued by the Indian Office.

These applicants whose claims are embraced in groups 1 to 11 inclusive, [illegible] decree of the Supreme Court known as the "Cherokee Cases," which appears upon the records of said commission as follows:

OFFICE OF COMMISSION ON CITIZENSHIP.
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1883.

Robert Dawson, F.M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson.

No. 108

vs.

The Cherokee Nation.

And now on this the 11th day of January, A.D., 18 83, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission, it was adjudged and determined by the Commission on Citizenship, that the Claimants, Rob't Dawson, F.M. Dawson, Albert Dawson Jasper Dawson , John Dawson, Josephine Dawson, Joseph Dawson Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee Citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D.W.C. Duncan,
Clerk of Commission

Thomas Tehee, President of Com.
Alex Wolf
T.F. Thompson } Commissioners

Group 1 as disposed of by the includes the application of Francis M. Dawson, Sr., for enrollment as a Cherokee by blood, and the applications of those who claim through him by blood and intermarriage. The names of these applicants appear below.

Francis M. Dawson, Sr., is the Francis M. Dawson whose case appears in the docket of the Dawes Court quoted above. He has resided in the Cherokee Nation since the admission and is identified on the Cherokee Rolls of 1883, 1884, and 1896. [illegible] Jasper J., and Laura A. Dawson are his children. They were minors at the date of the application, September 21, 1880. Their testimony is considered to be that of their father. All of them are identified upon the 1880 census roll

John Dawson is the son of Francis M. Dawson, Sr., He was a minor when his father was admitted. He removed to the Cherokee Nation about the year 1886 where he has since resided. His name appears upon the 1894 strip payment roll.

William H. Dawson is also the son of Francis M. Dawson, Sr., and was a minor when the latter was admitted to Cherokee citizenship. He has resided in the Nation since 1883 and is identified upon the 1896 census roll.

Lizzie Atkins, formerly Dawson is the daughter of Francis M. Dawson, Sr., and is identified upon the 1894 payment roll. She has resided in the Cherokee Nation since 1883 and was a minor when her father was admitted.

Francis M. Dawson, Jr., is the son of Francis M. Dawson, Sr., and was a minor when his father was admitted. He removed to the Cherokee Nation in 1883 and is identified upon the 1894 payment roll.

Andrew J. Atkins claims enrollment by intermarriage, as the husband of Lizzie Atkins, referred to above. Arthur, Edna E., Edgar T. and Bertie L.L. Atkins, are the minor children of Andrew J. and Lizzie Atkins. Arthur is identified upon the 1894 payment roll. The other listed children are identified by birth affidavits on file with [illegible] Commission.

Athena Riley is the daughter of Francis M. Dawson Sr, She was a minor when her father was admitted and is identified upon

the 1896 census roll. She removed to the Cherokee Nation for the first time in 1894 where she remained for two years and then returned to Arkansas. She was married in that state to Lee Allred, but not in accordance with the laws of the Cherokee Nation. They came to said Nation in 1896, remained there a month, and returned to Arkansas where they resided until September, 1898. At the latter date they returned to the Cherokee Nation. After a residence of a year therein, they removed to Arkansas where they were living at the time of their application. William C. Allred is their child.

In your decision of December 23, 1902, you held that all these applicants were entitled to enrollment excepting Arizona Allred and William C. Allred, rejecting them because paragraph 9 of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 496), provides that-

> No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.

In his report of October 16, 1902, relating to the matter, copy inclosed, the Commissioner of Indian Affairs recommended that you be directed to enroll all of these applicants except those who claim by intermarriage. In a subsequent letter dated September 21, 1903, he recommended that the record in the matter of the applications of Arizona Allred and William C. Allred be returned to you for further investigation in view of the decision of the Assistant Attorney General of March 16, 1903, in the Georgain case.

The attorney for the Cherokee Nation protests against the

enrollment of these applicants alleging that the decree of the "Tehee Court" was procured through fraud. This contention is considered untenable in the light of the opinion of the Assistant Attorney General of February 18, 1904 (Approved by the Department) relative to the matter. A copy of this opinion was sent you February 24, 1904.

You are directed to enroll all of the applicants who claim by blood except Arizona Allred and William C . Allred. The record in their case is returned herewith for furtner investiga-tion.

Action will be suspended relative to those applicants who claim by intermarriage until the Court of Claims determines w.ether or not such persons are entitled to enrollment.

Respectfully

(signed) Thos. Ryan

Acting Secretary.

2 inclosures.

Cherokee
D-324 and D-584

Tahlequah, Indian Territory, April 23, 1904.

Commission to the Five Civilized Tribes,

(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

There are returned herewith the following original Cherokee cards to be retained in the office of the Commission at Muskogee:

Cherokee D-324, Katie Dawson;
Cherokee D-584, Andrew C. Adkins.

The applicants, except the intermarried applicants, have been transferred as indicated thereon.

There are also transmitted the original jackets and records in these cases to be retained in the office at Muskogee until such time as decisions as to intermarried applicants can be rendered.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

WFW

Enc. 2-48

Cherokee
D 584

Muskogee, Indian Territory, December 17, 1906.

Andrew C. Atkins,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior December 4, 1906.

Respectfully,

Commissioner.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. S. McKennon,

Attorney for Nettie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Nettie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. F-10
S.W.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. W-11
S.F.

(COPY)

D.C.53540-1906. Y.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.7442,7444,
7446,7448,
7450,7452,
7454,7456,
7458,7462,
7464,7466,
7906-1903.

December 4, 1906.

L.R.S

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Pite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Katie Dawson, Andrew J. Atkins, Catherine Dawson, Sarah P. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (formerly Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James G. Marcom, William C. Lenoi, Willie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Miram P. Waddle, Alonzo M. Fishback, Lissie Jackson, and George A. Mabry, as cit-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Francis M. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 13, 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

2 inc. to Ind. T.

Muskogee, Indian Territory, February 22, 1907

A. C. Atkins,

Nowata, Indian Territory.

Dear Sir:

As requested by your letter of February 9, the certified copy of the record of your marriage, filed with this office, is returned to you herewith, a copy of the same being retained in the files of this office.

Respectfully,

L. M. P.

Commissioner

Cher R 1129

Tran from Cher D 594

Cher R 1129

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 25 1900

COOWEESCOOWEE.
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 15 1900 1900.

Name Samuel H. Hutchins, Okla, Kas.

District Coo Year 1896 Page 308 No. 486

Citizen by blood Yes Mother's citizenship

Intermarried citizen Yes

Married under what law Ala (1883) Chr. (1887)

License Date of marriage

Wife's name Certificate

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Evidence of divorce of wife from former husband and evidence of subsequent marriage to be supplied.

9574

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 15, 1900.

In the matter of the application of Samuel H. Hawkins for the enrollment of himself as a Cherokee by intermarriage and his wife and children as Cherokees by blood; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give your full name? A Samuel H. Hawkins.
Q How old are you? A 41.
Q What is your post office? A Edna, Kansas.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Who is it you want to enroll yourself and family? A Yes, sir.
Q You have a wife? A Yes, sir.
Q How many children? A Six.
Q Are you a Cherokee by blood? A No, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Let me see your marriage license and certificate?
(The applicant presents an official copy of the records of Cooweescoowee district, showing that license was issued to him on October 28, year not given, to marry Mrs. S. H. Hawkins, a citizen of the Cherokee Nation. The list of the petitioners is given and the document is stated as recorded on the 20th day of November, 1887.)
Q Where is your certificate of marriage showing that you were married in accordance with said license? A I haven't got it.
Q You were married in accordance with the license? A Yes, sir.
Q What did you do with your certificate? A I lost it.
(The document just referred to is filed herewith.)
Q Who married you? A A minister of the Gospel at Vinita named Pastell.
Q And when you got your certificate of marriage, what did you do with it, did you send it to the Clerk of the Cooweescoowee district?
A No, sir, I don't think I did, I don't think it was ever recorded.
Q Have you anybody here who knows that you and your wife lived together as husband and wife? A Yes, sir, this gentleman right here.

Albert Morris, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, please? A Albert Morris.
Q How old are you? A 53 years old.
Q What is your post office? A Nowata
Q Do you know the applicant here, Mr. Samuel H. Hawkins? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q Do you know anything about he and his wife being married in accordance with the Cherokee law? A I do not.
Q Do you know how long they have lived together as husband and wife?
A They have lived together about eighteen or nineteen years.
Q You have known them as husband and wife that long? A Yes, sir, somewhere near about that.
Q But you don't know anything about their being married in accordance with Cherokee law some thirteen years ago? A No, sir.

Samuel H. Hawkins, recalled, testified:
Q You were married to your wife under United States law prior to this marriage? A Yes, sir, in 1888.
Q How have you and your wife lived together in the Cherokee Nation ever since you were married in 1888? A Yes, sir
Q Give me your wife's full name? A Eleanor.
Q How old is your wife? A 38 or 39
Q What was her name when you married her? A Foley.
Q What was her maiden name, was it? A No, she had been married [illegible].
Q What was her maiden name before it was Foley? A Her maiden

named was Denney.

Q Give me the name of her father? A Lewis Denney.
Q Is he dead? A Supposed to be.
Q Give me the name of her mother? A Eliza.
Q Is she dead? A No, sir.
Q Was your wife born in the Cherokee Nation? A I think so.
Q Has she lived here all her life? A Yes, sir.
Q What was her name in 1880, was she a Denney or a Kelsey? A In 1880 it was Kelsey.
Q Now give me the names of your children, please? A Walter H. Hawkins, 16 years old.
Q The next child? A Ralph, 14 years old.
Q The next child? A Maud, 12 years old.
Q The next child? A Samuel O., about ten.
Q The next child? A Edith, she is I think 8 or 9.
Q The next child? A Ruby, 5 years old.
Q The next child? A That is all.
Q Are they all living? A Yes, sir.
Q What was the name of her husband, Kelsey? A Jim.
Q He is dead, is he? A Supposed to be, I don't know.
Q Was your wife separated from her husband, Kelsey? A Yes, sir.
Q Did they get a divorce? A I don't know anything about it.
Q You haven't got any copy of the decree of divorce? A No, sir.
Q You think they didn't get a decree of divorce? A I think they didn't, as far as I know.
Q When did they separate? A I don't know exactly, about 1880 I think.
Q And you were never married except to this wife? A No, sir.

(Eleanor Hawkins on 1880 roll, page 126, No. 1600, Leaney Kilsey, Cooweescoowee district; on 1896 roll, page 177, No. 2258, Lena Hawkins, Cooweescoowee district. Samuel H. Hawkins on 1896 roll, page 308, No. 486, Cooweescoowee district. Walter H. Hawkins on 1896 roll, page 177, No. 2260, William A. Hawkins, Cooweescoowee dist. Ralph Hawkins on 1896 roll, page 177, No. 2261, Cooweescoowee district. Maud Hawkins on 1896 roll, page 177, No. 2262, Cooweescoowee district. Samuel O. Hawkins on 1896 roll, page 177, No. 2263, Samuel H. Hawkins, Cooweescoowee district. Edith Hawkins on 1896 roll, page 177, No. 2264, Cooweescoowee district. Ruby Hawkins on 1896 roll, page 177, No. 2265, Cooweescoowee district.)

The applicant applies for the enrollment of himself, his wife and six children. His wife is identified on the roll of 1896 as a native Cherokee, she has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. Her six children are all identified with her on the roll of 1896, they are all minors, and are living at this time, and they will be listed for enrollment as Cherokees by blood.

The applicant presents incomplete evidence, filed herewith, of his marriage to his wife in accordance with Cherokee law in November, 1887, he states that they were married under United States law in 1893, and they have lived together as husband and wife ever since his first marriage. He is identified with his wife on the roll of 1896, but in addition to the incompleteness of his evidence of marriage in accordance with Cherokee law, it also appears from the testimony that his wife was married prior to her marriage to him, and he is of the opinion that no divorce was obtained between his wife and her former husband. He isn't able to present any evidence to the effect that they were lawfully divorced at this time. For the further consideration of the evidence of his having been married to his wife in accordance with Cherokee law, and to avail evidence showing that she was lawfully divorced from her former husband, who is not even now known to be dead, the application for the applicant's enrollment will be placed upon a doubtful card.

Additional testimony.

4 What is the occasion of the separation between your wife and her

[redacted]

Bruce B. Jones

[redacted]

R

C D594

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Samuel H. Hawkins for the enrollment of himself as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory on the 5th day of March,1902, and that on said date he could appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application; he was also notified to supply the Commission with a certificate of his marriage, and a certified copy of the decree of divorce of his wife, Eleanor from her former husband, one Kelsey.

The applicant having been called this day, to-wit: 5th day of March,1902, three times, and failing to respond, either in person or by attorney,it is directed that the case be closed and reported to the Commission for final decision based upon the evidence now of record.

I, M.T.Greer, a notary public duly appointed by the Commission to the Five Civilized Tribes I certify, recorded the proceedings in this case and that the foregoing is a true and correct transcript of my stenographic notes thereof.

Chu D. 594.

1887.

Oct. 28, Issued Marriage License to S.H. Hawkins a citizens of the United States to marry Mrs. S.H. Hawkins a citizen of the Cherokee Nation.

Petition signed by the following named six persons; W.S. Trott, A.F. Chamberlain, H.H. Trott, L.W. Buffington, T.F. Thompson, C.W. Poole, J.L Dameron and Davis Hill.

Recorded on the 2o° day of Nov. 1887.

Wm.V. Carey, Clk. C.D.C.N.

Executive Department, Cherokee Nation,

Tahlequah, Ind. Ter.

I hereby certify that the foregoing is a correct copy from the Marriage Record of Coowescoowee District, Cherokee Nation, so far as the same relates to the parties herein named, said record being now in this office and in my legal care.

Given under my hand and seal of office on this the 30° day of June 1902.

L.T Parks
Executive Secretary.

OFFICERS:
T. M. BUFFINGTON, Circuit Judge, Tulsa.
WATT STARR, District Judge, Claremore.
JOE. M. LAHAY, Clerk, Claremore
J. C. WARD, Sheriff, Foyil.
JOHN BULLETTE, Solicitor, Claremore

OFFICE OF
DISTRICT CLERK
COOWEESCOOWEE DISTRICT, C. N.

TERMS OF COURT.
CIRCUIT COURT:
First Monday in June and Fourth Monday in September.
DISTRICT COURT:
First Monday in January and July.

Oct.-28--Issued a marriage license to S. H. Hawkins a citizen of the Un ted States to marry Mrs. S. H. Hawkins, a citizen of the Cher. Nation.

Petition signed by the following named persons. W. L. Trott, A. F. Chamberlain, H. H. Trott, L. W. Buffington, T. F. Thompson, C. T. Foster, J. D. Benson and Dewit Hill.

Recorded on this 30th day of Nov. 1897.

Wm. V. Carey, Cl. C.D.C.N.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **February 13,** 1902.

Mr. Samuel H. Hawkins,

Edna, Kansas,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

5th day of march,1902,

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you if they intend to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of marriage; and certified copy of divorce of wife Eleanor from her formerhusband Kelsey.

CherokeeD-194
Register.

Commissioner in Charge.

Edna Kas. May 17, 1911

Commissioner to the
five tribes

Dear Sir:
Your notice of the 11th inst
will say that I am
not able to furnish
certificate of marriage
under Choctaw law or
further evidence of the
legality of her marriage
with Hotema, except that
they came to the
Nation, lived as man
& wife & that
he had a family
from his
on that

same but that was yours
ago and I have tried and
can't find any of them
or learn any thing of the
matter further.

Yours Respectfully
J. H. Hawkins

Cher. D-604.

Muskogee, Indian Territory, June 17, 1902.

J. T. Parks,

Executive Secretary Cherokee Nation,

Tahlequah, Indian Territory.

Sir:

You are requested to furnish this Commission with a certified copy of the marriage record showing the marriage of S. H. Hawkins, a citizen of the United States, and Mrs. S. H. Hawkins, a citizen of the Cherokee Nation.

The same appears of record on pages 130 and 131, Book A, Record of Marriage Licenses Tecumseh District, Cherokee Nation.

Yours truly,

Commissioner in Charge.

Cher. D-886.

Muskogee, Indian Territory, June 17, 1902.

S. H. Hawkins,

Edna, Kansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, stating that you are unable to procure from the person who performed the ceremony of marriage between yourself and Mrs. S. H. Hawkins a certificate of marriage.

You are therefore requested to furnish the Commission, if possible, with the affidavits of not less than two persons who were present when you were married.

Yours truly,

Commissioner in Charge.

Register.

Cherokee No.
D. 594

Muskogee, Indian Territory, January 10, 1907.

Samuel Hawkins,

Edna, Kansas.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Incl. Decn.

D

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION.

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Roxie Shepard	1128
Robert G Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J Keys	1149
Joseph M Correll	1177
Jane Ratley	1225
George L Norton	1234
Malcala D Thompson	1247
Charles M Trammel	1264
[illegible] Carlisle	1265
William H Norrel	1275
[illegible]	1276
[illegible]	1278
[illegible]	1279
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T Jones	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L Morgan	2568
Andrew A Brown	2575
Louis K Farr	2623
James L Mitchell	2644
Martha E McNair	2659
Millard F Eggleson	2668
Elisha M Gray	2686
Jessie M Ballard	2694
Annie Mayes	2798
Belle S[illegible]	2809
James P Ross	[illegible]
William Brock[illegible]	[illegible]
William A Mayes	[illegible]
Lesgett Q [illegible]	[illegible]
Mary[illegible] L Ross	[illegible]
Ezra M Hall	[illegible]
Lena R Smith	[illegible]
Ira W Wilson	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Margaret [illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nancy J Kinney	4225
Sydney E Bell	4232
Isaac H Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H Gibson	4327
John McFall Jr	4343
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nora B Burgess	5236
John E Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Well	5261
John I Gaylor	5266
Annie Sweeten	5269
Rosalie Hendricks	5278
[illegible]	5328
[illegible]	5329
Melvene B Bird	5332
James R [illegible]	5356
Charles Horton	[illegible]
[illegible]	5417
Dora Cox	5425
[illegible]	5438
[illegible]	[illegible]
[illegible]	5484
[illegible]	487
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Horace H Huddlestun	5832
William R Sartain	5837
Joseph A Lawrence	5843
William H Hinton	5846
Joseph Lehr	5851
Enin M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W Young	5872
Earley I Ellis	5874
Rosa B Albertv	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H Merchant	5888
John D Merchant	5889
[illegible]	5894
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

James J Snider	6375
William H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William A Fisk	6392
William O Ames	6394
Thomas Wilkerson	6396
Alice C Springston	6407
Fanny N Watt	6413
Lallie M Adair	6424
Mark F Matheson	6428
Ida L Wilson	6431
George L Merr[illegible]	6441
Elyse[illegible] S Reeve[illegible]	6445
Dorcas A Smith	6447
Henry J Dre[illegible]	6450
Sarah Vine[illegible]	6452
Lee I Wilso[illegible]	6455
Mary E Tu[illegible]	6459
[illegible]	6468
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary F Foreman	7158
Alma West	7159
James M Connally	7161
Francis M Crowell	7163
Fannie E McClure	7171
Benjamin B Graham	7176
Ada Pharris	7180
William L Whisenhunt	7184
Frances B Perry	7191
Philip Shultz	7210
Hester A Miller	7212
[illegible]	7214
[illegible]	7217
[illegible]	7218
[illegible]	7225
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Robert B Collins	7556
Nancy L Brown	7579
Mary B Walkingstick	7642
Robert T Kellcam	7653
Mollie Morton	7797
Mattie Gritts	8006
Mack Alfred	8015
Ida Harmon	8046
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T [illegible]	9092
Ida M Davis	9266
Nora Crapo	9280
Margaret Harmon	9578
Mary B [illegible]	9648
[illegible]	9649
[illegible]	9744
[illegible]	9746
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Joseph P Smith	9550
George E Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Jane Thomas	9562
James F Petty	9563
Laura McCrary	9566
Joel D Smith	9568
William T Cave	9572
Warren Barker	9577
Lewis M Smith	9582
John L Nasworthy	9583
[illegible]	9587
[illegible]	9590
[illegible]	9591
[illegible]	9593
[illegible]	9596
[illegible]	9598
[illegible]	9599
[illegible]	9600
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A Butts	10034
John J Dameron	10035
William Warner	10036
George A Allen	10037
Watie Shetley	10038
John E Carter	10039
John M Boyd	10043
William Foster	10047
Darius B Troth	10049
Harry A Kelley	10050
[illegible]	10051
[illegible]	10052
[illegible]	10053
[illegible]	10054
[illegible]	10055
[illegible]	10056
[illegible]	10058
[illegible]	10059
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nannie Martin		10210
Sarah A Fields		10214
Susie Henderson		10216
Charles H Rienhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
~~Martin L. Stokes~~	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	103
George T Kiddy	D	108
Henry C Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A McGlamery	D	161
Maggie Deatherage	D	169
Annie Lovett	D	180
Nora Hood	D	184
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Gunn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1040
George Hazlewood	D	1043
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1085
Laura D. Henson	D	1086
Hettie I. Downing	D	1090
Benjamin F. Crain	D	[illegible]
Benjamin Strock, Jr.	D	[illegible]
[illegible]	D	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]

Herbert I Couch	D	2700
Albert C Dykes	D	2703
Debra Drew	D	2704
Frank I Dunderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lipes	D	2717
Bertha Landrum	D	2718
Lula More	D	2722
John D Mathes	D	2723
Mary Mcintosh	D	2725
Bertha Nedriffer	D	2730
Richard Nichols	D	2731
Wilmah S Ross	D	2738
Irene Riley	D	2739
W[illegible] H Rowe	D	2740
[illegible] C Schaeffer	D	2741
[illegible] Sherrill	D	2743
W[illegible] S Sage	D	2744
[illegible] Dunnell	D	2748
[illegible] T Turnbull	D	2749
[illegible]		
[illegible]		
[illegible]	

Lue Fish	D	3081
Horace Gray	D	3082
Lula Pack	D	3083
Lelia C Harris	D	3084
Thomas Jones	D	3086
Benjamin Laws	D	3088
Martha Spade	D	3092
Julian Wyrick	D	3093
Samuel Harlan	D	3457
Lizzie Pharis	D	3171
Jack Michael	D	3172
Sarah E Davis	D	3176
Grace Guthrie	D	3181
Mary E Thornton	D	3183
Mamie Thompson	R	4
Lucian C Thompson	R	5
William I Kelly	R	10
Ann Lucas	R	19
Rebecca M Langston	R	41
Martha A Parker	R	45
Lucinda L Lucas	R	61
Della Baldridge	R	105
Samuel Richey	R	107
Malissa Fields	R	144
Fred Zimmerman	R	220
Ella Anspach	R	241
Michael R. Mizer	R	266
Belle A. Powell	R	352
Austin L Hill	R	420
Mary L. Dudley	R	439
Stephen Hazlett	R	465
Mary A Payne	R	484
Rebecca Benge	R	563
Sarah Wilson	R	613
Dora Crane	R	628
Andrew Sitrell	R	642
John Sitrell	R	642
Lillie May Wilson	R	643
Ollie A Barger	R	656
Ida Hawkins	R	671
Lizzie Davis	R	761
Clara M Emmons	R	803

Cherokee D 594

Muskogee, Indian Territory, March 14, 1907.

Samuel Hawkins,

Edna, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-1[illegible]
LMC

Cher R1130

Trans from cher D596

Cher R 1130

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 16, 1900.

In the matter of the application of Sarah E. Nicholson for the enrollment of herself as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your full name? A Sarah E. Nicholson.
Q How old are you? A 38 years old.
Q What is your post office? A Ramona.
Q Do you live in Coowescoowee district? A Yes, sir.
Q Who is it you want to have put on the roll, yourself? A Just myself is all.
Q Are you a Cherokee by blood? A No, sir, adopted.
Q What was the name of your husband? A Richard Henry Nicholson.
Q Is he dead or alive? A He is alive.
Q He is a Cherokee citizen? A Yes, sir.
Q How old is he? A He is 38 years old.
Q When were you married to him? A In 1894.
Q Have you a certificate of your marriage? A Yes, sir.
(The applicant presents a certificate establishing the marriage between Mrs. and Henry Nicholson and Sarah E. Heindselman on April 27, 1894, the Rev. John F. Watson officiating. This is filed herewith.)
Q Heindselman then was your maiden name? A Yes, sir.
Q You were never married except to your husband Nicholson? A No, sir that was all.
Q Was he ever married except to you? A No, sir.
Q Are you and he living together? A No, sir.
Q How long did you live together after your marriage? A Two years and six months.
Q Was he born in the Cherokee Nation? A No, sir, he was born in Texas.
Q When did he come to the Cherokee Nation? A I can't tell you when he came here.
Q You can't tell how long he has lived in the Cherokee Nation? A He has lived here about 12 years.
Q Do you know whether he is on any of the rolls of the Cherokee Nation? A Yes, sir, he is on all the rolls.
Q Where is he living at this time? A He is in the Caney country now.
Q I see your husband is spoken of in this certificate as living at Talala; that is in this district, is it, Coowescoowee? A Yes, sir, that is his home.
Q How will he something about your husband living in the Cherokee Nation as to identify as you can; you think he has been about 12 years out there, have? A Yes, sir.
Q Has he made his home in Talala always continuous to this time?
A Yes, sir.
Q Before he came here to live he made his home in Texas? A Yes, sir.
Q About twelve years and his home was in Texas? A Yes, sir.
Q Was he admitted to citizenship by the Cherokee Commission or Council? A Yes, sir, he was admitted here, his father was before him, and he has been admitted since.
Q I don't mean not on the roll, I mean admitted by the Cherokee Commission on Citizenship? A I guess he has.
Q You don't know for certain? A No, sir, I guess he is.
Q You have lived in the Cherokee Nation ever since you were [illegible] A Yes, sir, and you haven't married since you separated?
A [illegible]
Q Have I [illegible] A [illegible]
Q Did you leave him or he leave you? A He left me.
Q He left you at the home you and he occupied? A Yes, sir.
Q Have you continued to live [illegible] A [illegible]

my mother's to live.
Q Give me the name of his father? A Richard.
Q Is he dead or alive? A He is dead.
Q Give me the name of his mother? A Biddipher.
Q Is she dead or alive? A She is alive.
(See 1 Al roll, page 148, No. 2298, Richard Nicholson, Coowescoowee district. 1896 roll, page 224, No. 3544, Richard H. Nicholson, Coowescoowee district. Sarah E. Nicholson on 1 96 roll, page 318, No. 758, Coowescoowee district.)

The applicant shows that she was married to her husband in 1894, and she states that neither she nor her husband were ever previously married. She lived with her husband some two years and a half, and they separated. No divorce proceedings have been had. She states that her husband abandoned her, in that she hasn't seen him since he abandoned her. Her husband is somewhat indefinitely identified on the roll of 1880, he is definitely identified on the roll of 1896, as is the applicant also. She thinks that he was admitted to citizenship by the Commission some twelve years ago when he came from Texas. She states that she has lived in the Cherokee Nation ever since her marriage. She will now be listed for allotment and her application will be placed upon the final card for return to the Secretary.

---o---

The records show, and by sworn statements to the Commission to the effect that the applicant was married to the above named Richard Nicholson, on the 20th day of December, 1894.

D V-96 - B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 16 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date ... 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age

Office Of Commission on Citizenship,
Tahlequah Cherokee Nation September I2 I883.

No.
I80 Richard L.Nicholson
Ed.Vann Nicholson
Richard H.H.Nicholson
Tom.Kemp Nicholson
James Parshal Nicholson

Sarah Ellen Nicholson
Eva May Nicholson
Ora Cherokee Nicholson,
Vs.

Cherokee Nation. Petition filed September I2 I883.
Case submitted by Claimant Sept.I2 I883.
Case submitted by solicitor Sept.I3 I883.

And now on this the I3 day of September A.D. I883 this case coming on final hearing and all in the case produced on both sides being carefully read and duly considered by the Commission on Citizenship it was adjudged by said Commission that the above named claimants Richard L.Nicholson,Ed.Vann Nicholson,Richard H.H.Nicholson,Tom Kemp Nicholson,James Parshall Nicholson,Sarah Ellen Nicholson, Eva May NicholsonOra Cherokee Nicholson,are Cherokees by blood and that they are,thereby justly entitled to all the rights and priveleges of Cherokee Citizenship within the Cherokee Nation and that they should be and they are hereby admitted to the full and complete enjoyment of the same in all respects as Native Born Cherokees.

Thos Tehee,Pres.of Com.
Alex Wolf (Commissioners.
T.F.Thompson (

D.W.C.Duncan,
Clerk of Com.

Executive Office Cherokee Nation,

Tahlequah I.T.

I,R.W.Alberty,assistant Executive secretary of the Cherokee Nation,do hereby certify that the foregoing is a true copy taken from the Citizenship record made by the Commission on Citizenship now filed in this Office and in my Custody.

Given under my hand and the seal of the Cherokee Nation this the 24th day of October I883.

Assistant Executive secretary
Cherokee Nation.

D 796-D

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT - 4 1900

ACTING CHAIRMAN



THIS CERTIFICATE THAT

AND

MARRIAGE

According to the Ordinances of God and the Laws
of the State of

"R"

Cherokee D 596

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Sarah E. Nicholson for enrollment as a Cherokee citizen.

Appearances:
J.H.Keith, Coffeyville, Kansas, attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission on the 5th day of March,1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: March 5,1902, appears in person and by her attorney, J.H.Keith, Coffeyville, Kansas.

RICHARD HENRY NICHOLSON, being first duly sworn and being examined testified as follows:
BY MR. HASTINGS:
Q What is your name? A Richard Henry Nicholson.
Q What is your age? A 30 years old last September.
Q Are you the former husband of the applicant here, Sarah Nicholson? A I am.
Q You and she were married? A Yes sir.
Q She testified and the certificate shows, in April 1894, is that correct? A Yes sir.
Q How long did you live together? A Very near three years, two years and a half or better.
Q Sometime in 1897? A Yes sir.
Q Where were you living when you separated in 1897? A I was living on a place about six miles east of Talala on the Verdigris river.
Q She testified before the Commission that you left her, now what I want you to do is to tell the Commission the facts about this separation? A Well sir the facts about it, I did not leave her, she left me, and told me she was going to leave me before she did leave me.
Q Where did she go? A Went to my sister's; went with my mother to a birth-day dinner and then from there to her mother's.
Q Did she come back? A Not then.
Q How long did she stay? A Three weeks, or a month before I saw her.
Q Did she come back to your place? A Not there to that place while I was there.
Q You never saw her any more there? A Not at that place.
Q What was the cause of this separation, what was the cause of the disagreement? A I couldn't say, more than she just simply got, well she, at the time I got into a little trouble she threatened to leave me at that time.
Q What sort of a trouble? A I got into a fight and was pulled at Fort Smith before Judge Parker, for assault and intent.
Q Were you acquitted or convicted? A I was acquitted.
Q You had some trouble at that time? A Yes sir
Q Did she leave you then? A She threatened to, and her mother came there with me, and they started, but she came back.
Q Then you lived on together until in the summer of 1897, is that right? A Yes sir.
Q Didn't you know she was going to leave you when she went off that day? A No I didn't know; She had told me before that she was going to leave me if I didn't leave that place entirely and go out [illegible] to her mother's.

Q Did you have another place besides the one you lived on? A Yes sir, I did.
Q How far from it? A About 22 or '3 miles.
Q Was that rented out? A Yes sir.
Q Could you get possession of it at that time? A No sir, I couldn't.
Q That is the reason why you didn't comply with her request? A Yes sir.
Q And the morning she went you expected her to return? A Yes sir, right away.
Q And she didn't come back? A No sir, not when I expected, and didn't come back at all with my mother.
Q That was the last separation? A Yes sir, that was the last.
Q Neither of you got a divorce? A No sir.

BY MR. KEITH:

Q Where were you married? A At Skiatook Mission.
Q Who married you? A John M. Watson.
Q Where did you go after you were married? A Went to C.L.Harnage's place; I had my place rented; lived there that season and made a crop there.
Q When did you have the first trouble with your wife? A It was better than- after I was married, after I lived there I moved and rented some ground at my mother's.
Q How long have you been living where you now live? A Where I now live?
Q Yes? A Where I now live I have been staying there working, where I now live biggest part of three years.
Q Where have you been living since you and your wife separated? A Been working for man named Collins, in the Osage.
Q All the time? A No sir.
Q Where did you go when you and your wife separated? A Came to Wagoner and went to work for a man named Riddle.
Q How long after you separated from her? A It was about a month, after she left me.
Q Where did you go when she left you? A I sold my place and went to Saint Louis with some stock.
Q How long did you stay in Saint Louis? A Stayed over night, I believe, stayed all night.
Q How long was it before you and your wife separated until you went to Saint Louis? A I don't know, week or two
Q Where did you stay during that week? A Why I stayed, I could not tell exactly where all I did stay. I was around the place, I was working, I worked for a man named Yeoman part of the time, I was improving a place.
Q When you separated? A Yes sir.
Q And you worked there about a week after the separation? A I don't know how long I was there around the place.
Q You and your wife keeping house at the time of your separation? A Yes sir.
Q Did you stay at the house any more? A Yes, I stayed at the house Q How much more? A I couldn't say about it, how long.
Q Did you stay there a night? A Oh yes
Q Who stayed with you? A I stayed there several nights.
Q Well, who stayed with you? A I don't know as anybody. I don't remember anybody staying with me.
Q Stayed by yourself? A Yes sir.
Q Where was she? A She was at her mother's.
Q How many times have you separated from her? A There never was but one time that she left.
Q Didn't you know that you separated from her as much as twice? A This was the second time, yes
Q Well now when was the first separation? A Before that separation?
Q Yes, that is what I am asking you? A The two along a year or more after I had that trouble after I married.
Q You must be the Osage Nation then? A No sir, I did not; was paid

she would leave me , her mother was there withher.
Q Where did you go? A I went to her brother's, my sister's.
Q How long did you stay there? A I went there and got him and he come there and took her mother from my place.
Q Then you went back to living together? A Yes sir.
Q How long did you live together at that time? A It was better than a year and a half. It was two years and a half or three years before we separated.
Q At the time she went to this party with your mother did you give her your horse and buggy to go in? A Let them have it, my mother.
Q Where did she go then? A Went to her mother's.
Q And you came over in a cart didn't you to her mother's? A Not for a month or three weeks.
Q Didn't you come over right after her? A No sir.
Q When you did come didn't she want to go home with you? A No sir.
Q Didn't she tell you she wanted to go? A She wouldn't live on that place, wouldn't live with me on that place; she wouldn't have went home with me; if I would move out there; she wouldn't live with me if I wouldn't move on that place.
Q I will ask you if you didn't go there on horseback after that and wanted her to go home with you? A No sir,
Q And didn't she tell you she was sick and simply chilly and unable to ride behind you? A No sir.
Q And you refused to take her in the cart? A No sir.
Q She refused to live with you? A She did.
Q You never always been willing to live withher? A Up until she bitterly refused, and I didn't think there was no use and I just quit.
Q When was that? A After she left me that time.
Q And never requested her to live with you again; she never pleased you? A She never begged me, nor wrote me a line, nor nothing; never asked me to live with her; she said to me that she never had had any sense until after we separated, she was told me that several times.
Q You never refused to go withher? A Not until she left me, then I would not go back, because I would'nt her her, never went around there nor asked her.
Q After she left you, you refused to live with her did you? A Of course I refused after she left me.
Q What did you refuse to? A She was gone.
Q Well who did you refuse to? A You mean that after I left her then you want to know after if she come back to me and begged me if I refused? I refused on these grounds, that if she would live with me and live on that place I would live withher, but she refused to live with me on that place at all if I didn't go to the other place.
Q What did she want you to live down that place for? A She was not satisfied
Q And you were? A I was satisfied.
Q You would rather do without your wife then give up the another place? A I didn't want to go to the other place.
Q You said just now you were working for another man? A I worked and got a living out of it and was improving the place at the same time and farming it.
Q You didn't improve your farm yourself? A I got a little assistance on the outside, worked to get something to live on, a man can't work and live on his place.

[illegible] Williamson, being first duly sworn and being examined testified as follows

Q What is your name? A Bidipher Nicholson.
Q What is your post-office? A Talala.
Q Are you the mother of Richard Henry Nicholson? A Yes sir.
Q Are you acquainted with the applicant here, Sarah E. Nicholson? A Yes sir.
Q Do you know when they separated about August,1897? A Yes sir.
Q Where did she go at that time? A Why she went withme over to my daughter's to a birth-day dinner at that time.
Q How far did you live from your son atthat time, this applicant? A I guess about a mile, between a mile and three quarters.
Q Her brother married another daughter of yours? A Yes sir, my daughter.
Q And you and she went from there to that place to a birth-day party did you? A Yes sir.
Q How did you go? A We went in my son's buck-board, her husband's. We got his poney; he loaned it to me to go in.
Q Did you know when she left there that she was not coming back with you? A No sir, I didn't know for certain, that she ~~xx~~ was not coming back with me.
Q Well, did she come back with you? A No sir, she didn't come.
Q Did you hear any words between these people just before you left or when you went from there that morning? A No sir, I didn't hear any words.
Q How long did you stay over there? A I stayed ~~xxx~~ a day or two, I don't think more than two days.
Q Some little distance over there? A Yes sir, 20 or 25 miles.
Q Did you know when you went from there she was not coming back with you? A No sir, I didn't know for certain that she was not coming; she told me on the road she was not coming back.
Q Did you know when you left his home that she was not coming back? A No, I didn't know for certain that she was not coming at that time.
Q Where did she go to from your daughter's house? A She went from there over to her mother's, she lived on my son-in-law's place and daughters; her mother, Mrs. Mason.
Q She didn't come back ~~xxx~~ with you? A No sir.
Q Did you let her know when you were coming back? A Yes sir.
Q What did she say? A She said she was going to stay, she was not coming back any more to that place.
Q You went back alone then? A Yes sir, I went back alone.

MR. KEITH waives cross-examination.

BY MR. KEITH: The applicant asks that this case be continued until the 6th day of March,1902, to enable the applicant to produce testimony before the Commission on the subject of abandonment on the part of the husband of the applicant. She states the fact to be that she has been unable to pay the expenses of witnesses to have them voluntarily appear before the Commission, and she is informed and believes that on the morrow these persons she desires to use as witnesses in this application will be before this Commission on business of their own, at which time she can introduce their testimony in her behalf in this case.

BY MR. CAMPBELL: I have not objection.

BY THE COMMISSION: Case continued until two o'clock p M. March 6th 1902.

BY MR. KEITH: Whereupon, J F Keith, informs the Commission that he will not appear for the applicant any further in this matter.

I, E J Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

E J Green

Supl.-C.D.#596.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of SARAH E. NICHOLSON as a citizen of the Cherokee Nation, introduced on part of the Applicant:

Case continued from February 5, 1902. Applicant represented by Mr. E. B. Lawson, Nowata, Indian Territory. Mr. W.W. Hastings, Cherokee Representative, present.

SARAH E. NICHOLSON, the applicant, being duly sworn, testified as follows in her own behalf:
BY MR. LAWSON:

Q State your name? A Sarah E. Nicholson.
Q Where do you reside? A Ramona, I. T.
Q Do you know Richard Henry Nicholson? A Yes, sir.
Q What relation does he bear to you? A Husband.
Q I believe you stated in your former application that you were married to him on April 27, 1894? A Yes, sir
Q Have you lived in the Cherokee Nation ever since 1894?
A Yes, sir.
Q Are you now living with your husband? A No, sir.
Q When did you separate? A The fall of '96.
Q Mrs. Nicholson, state briefly the cause of the separation?
A Well, I can't hardly state it; for I don't know what was the cause really. He just left me and that is all I know; he sent word for his mother to bring us down to my brother's wife's birthday dinner and we went, her and I.
Q You mean his mother? A Yes, sir.
Q And you went? A Yes, and on the road going out there, we met him and my brother and hired hand my brother had hauling wheat, and my husband he said for me to stay out there and he would come after me and I stayed I guess it must have been three weeks and I was sick most of that time and during that time I had taken the chills and sent for him, I wrote him a letter that I wanted to go home and he come on horseback and I wasn't able to ride and I told him to come after me on Friday and that I would go home with him, and he never come for quite a while and when he came he came with a deed for the place we had been living on and wanted me to sign it and I never saw him any more until along in the fall later.
Q How much later? A It must have been in October. It might have been later than October, Let's see, must have been along in November. So then I went to my brother, we lived very close to where my brother was and when I came there he had our things taken out of our house.
Q Who had? A My brother. And I asked him why he had those things and he said my husband give him the privilege to get them, and those things he had didn't really belong to us, they belonged to this Mr. Marnago because we lived on his place and he had let my brother bring them to his place It was Mr Marnago's place and I thought he had paid for those things when we married and he let them go back, and I never heard anything until that time and when I went there my things were there So my neighbors come--before that, he had told them around, these witnesses I have here, that he had told them several weeks before that he aimed to leave me During the time he made a support for me I stayed at home and kept care of the things to the best of my knowledge, and I made my support most of the time we lived together, bought my butter and sugar

Q You heard the testimony of Mrs. Bidifer Nicholson yesterday in this case did you not? A Yes, sir.
Q I will ask you if you told her in going over with her to that birthday dinner that you intended to leave your husband?
A No, sir; wasn't a word spoken between us of our separation.
Q Did you know anything about your husband leaving at that time?
A No, sir
Q Did you have any intention of leaving your husband at that time?
A No, sir, I never thought about it.
Q You say that the first time after your husband came to your brother-inlaw's was out where you were staying? A Yes, sir.
Q That he brouth a deed to the farm you had formerly lived on?
A Yes.
Q And you signed that deed? A Yes, sir.
Q Did he ever provided a home for you after that? A No, sir, never; never has give me a nickle since.
Q Did he ever state to you why he left you or anything of the kind?
A No, sir, he never did, I never have got to talk to him; he always seemed distant and never cared to talk about it.
Q And you stated that while you and your mother-in-law were going over there to your brother-in-law's to take dinner that you met your husband? A Yes, sir, met him and my brother's hired hand and he told me to stay over there that he had some business to tend to and he would be back, and he never came back for quite a while afterwards and I wrote him that I was sick and wanted to go home.
Q Well, do you know whether he had a home up to the time,- since your separation? A No, sir, he had a piece of land but it was not fenced and wasn't any improvements on it. He had it picked out for his allotment and then when we married he had a house put on it, that is the place where we were living, he sold that one, and we went on Mr. Harnage's place the first year we lived on Mr. Harnage's place, and the next year, the second year, we lived with his mother at his mother's house and the next time for a year and a half we lived on this other place that we sold.
Q You heard your husband's statement in this case, didn't you?
A Yes, sir.
Q He stated that you abandoned him and left him, is that a fact?
A No, sir.

MR. HASTINGS:

Q Mrs. Nicholson, Mr. Keith represented you yesterday and he had to go home? A Yes, sir.
Q But you had an attorney when we examined those two witnesses, your husband and his mother? A Yes, sir.
Q You were present at that time? A Yes, sir.
Q You didn't choose at that time to take the stand and in her presence deny the statement?

Mr.Lawson: To which we object for the reason that this case was continued from yesterday by agreement--maybe I am mistaken in that, but any way it was continued, and we werenot forced to put in any testimony

Mr. Hastings: The case was continued on yesterday but it was for the specific purpose of introducing some other witness which this applicant claimed would be here to testify in another case to-day, but the applicant herself was at liberty to go upon the standand affront the witnesses that the Cherokee Nation had at that time, and did not choose to do it.

Commission: The objection will be noted. Answer the question, Mrs. Nicholson.

A No, sir, for the reason that I didn't know that I could, I don't know very much about such business. If I have known that I could I would have done it.

Q Mrs. Nicholson, you took some things over there with your mother-in-law when you went over there at that birthday dinner?
A No, sir, I never.
Q You heard her testify yesterday you took a lot of things along?
A No, sir, I didn't take anything only what I had on my back.
Q Well, now, your mother-in-law isn't here to-day?
A No, sir, I am not making the statement because they are not here.
Q You heard her state yesterday that you took some of your things over, did you? A I don't remember that statement.
Q Did she ask you to come back with you when you come back?
A No, sir, wasn't a word spoken about coming back at all. She heard what he had told me and she come back.
Q You didn't have your attorney cross-examine her about what your husband should have told you in her presence yesterday?
A No, sir.
Q You didn't ask her to deny that at that time? A No, sir.
Q Did you have your attorney to ask the question whether or not you had written him a letter that you wanted to come hom; was he asked that question about that letter? A He was asked whether I had written~~xthx~~ ~~lxttxrxx~~ or whther he had written; I don't think that question was asked.
Q You didn't think of naming that to your attorney yesterday?
A No, sir; you mean did I name that to my attorney?
Q Yes? A No, sir, I don't think I did; I never got to talk to him very much before the trial come up.
Q Don't you know the cause of your separation at all?
A No, sir; nothing only that his--know that his mother had talked to him, and told things against me; that is all I could ever see. That caused him to be distant towards me and not treat me just exactly as he ought to, as a man would his wife.
Q Had you ever separated from him before? A No, sir, not of my knowledge.
Q You heard him state that yesterday? A Yes, sir.
Q He said it was because of your mother? A During this time he had, I was sick with malarial fever, Dr. Hass waited on me, my mother come over, she came over and stayed with me and done my work, I was sick and she come over and done my work,when I got so I could work and be around of course I wanted to go out and me and my mother went out and gathered pecans, it was pecan time, and we went into the woods and taken buckets and gathered pecans and when we come back we went over to my mother-in-law's for milk and she told me about it and laughed at it and she told me he had gone to Caney and I asked her what he was gone for and when he come back the next morning he seemed to be surprised to find that I was at home, and he asked me where I had been and I told him I had'n't been nowhere only in the woods and I was gone only about an hour and a half.
Q Had there been any unpleasantness before you went in the woods?
A No, sir, we hadn't spoken any harsh words before that.
Q About how long did you live with him? A I lived with him very near two years and six months.
Q Never married before? A No, sir.
Q Neither apply for a divorce? A No, sir, that is all I can say that his mother had a prejudice against me, and I think it was through her he really more than anything else. As long as we lived on Mr. Farmer's place we got along very well, I didn't see a bit of trouble.
Q You deny emphatica.y taking any of your things along when you went with his mother over to that birthday dinner? A Yes, sir.
Q I believe you stated you met him out on the road hauling wood?
A Yes, sir.
Q That was after you started from home? A Yes, sir.
Q And he then in the presence of your mother-in-law that was with you? A And my own brother

Q Told you to stay over there? A Yes, sir, that he had business to attent to.
Q Did he tell you anything about his business? A No, sir, he never did tell me a thing about his business, he was a curious natured person. He never spoke of anything.
Q You don't think your attorney developed this yesterday when Mrs. Nicholson was on the stand? A No, sir.
Q You said after you were over there a while you wrote him a letter? A Yes, sir.
Q Well, when he came there to get you to sign that deed did he tell you that he was going to live with you? A No, sir, he never said anything at that time; he just said this, if you will sign this deed we will sell that place and come over here to live.
Q How long did he stay there? A He come that morning and went back that evening; it was along about 11 o'clock when I was at my sister's and signed the deed.

WILLIAM M. POLSON, being duly sworn, testified as follows on part of applicant:
MR. LAWSON:

Q State your name? A William Polson.
Q Where do you live? A Live at Oolagah, Indian Territory.
Q Are you acquainted with Mrs. Nicholson, I believe her name is Sarah E. Nicholson? A Yes, sir.
Q Were you acquainted with her husband, Richard Henry Nicholson?
A Yes, sir.
Q How long have you known these parties, Mr. Polson? A Well, sir, I guess I have known Henry ever since about 1894, I guess, and I have knowed her ever since '95.
Q You knew them when they were living together as man and wife?
A Yes, sir.
Q I will ask you if at the town of Claremore ~~sixmex~~ soon after these parties separated you had a conversation with Richard Henry Nicholson with reference to the separation? A Yes, sir.
Q Now, go ahead and state what that conversation was, Mr. Polson.

Mr. Hastings: The representatives of the Cherokee Nation object to this testimony for the reason that the foundation of the same was not laid by the witness, and that this witness does not testify of his own personal knowledge but of what Richard Henry Nicholson should have told him; when Richard Henry Nicholson was on the stand he ought to have been made to affirm or deny the same

Go ahead and state that conversation, Mr. Polson?
A Well, sir, we were down there, I was down there at a stray sale, we came down to buy a pony in.
Q You came down? A Henry Nicholson, and I went down there to buy a pony in, and I didn't know at the time that they were separated until after he told me. He was telling me about where he had been and I just remember your wife will leave you if you don't stay with her, never thought anything about them being separated, and he just spoke in these words I won't give her any chances, I have already left her. That was the first I ever knew of them separating
Q Go ahead and tell what further conversation you had, if any?
A And of course after he told me I thought I had been putting in where I had no business because not knowing anything about it, and after he told me I thought to myself I was inquiring into his business and after I went home in a day or two I found it was a fact that they had separated. I never inquired into it at all.
Q You state I believe that he left this woman and would not give her a chance to leave him at all? A He just said he would not give her a chance to leave him that he had already left her; we had been like one together before we died and my father was along

Q You state that that conversation occurred in the town of Claremore soon after the separation? A Well, I suppose so, about that time, before that time he told me he had been to Kansas City, Coffeyville and around and that is how come me to mention it. It must have been along in September or October when we was there, we were there at the stray sale, I was over there to take in a cow and he was there to take in a pony.

MR. HASTINGS:

Q The Cherokee Court sitting there at that time, Spptember? A I wouldn't be positive it was at that time.
Q Well, it met at that time, on the 4th monday of September?
A I don't know.
Q He didn't go into detail and tell you the cause? A No sir.
Q You don't know of your own knowledge anything about it?
A No, sir.

RICHARD M. LOCKER, being duly sworn, testified as follows on part of applicant:

MR. LAWSON:

Q State your name. A Richard M. Locker.
Q Where do you live, Mr. Looker? A Live at Oolagah.
Q Indian Territory? A Yes, sir.
Q You know Sarah E. Nicholson and Richard Henry Nicholson?
A Yes, sir.
Q What relation is Richard Henry Nicholson to you? A First cousin
Q You knew them at that time, they were living together, the applicant and her husband? A Yes, sir.
Q Where were they living when they left together? A Why I knew them when they lived two or three different places.
Q Well, what neighborhood I man? A They lived in the neighborhood or Talala.
Q East or West of Talala? A East of Talala.

Q You knew about the time they separated? A Yes, sir, I know near about the time.
Q I will ask you if in the town of Talala, Indian Territory, soon after this separation if you had any conversation with this Richard Henry Nicholson relative to the separation? A Yes, me and him was talking about it some.
Q State what that conversation was? A Well, I had heard that he had left his wife and I was asking him about it and I don't recollect about the conversation, but he just made the, he says to me: I have played quits with her or something to that amount.
Q Well, what else was said about it if anything?
A I don't know as:- we talked on and I asked him several questions about it and we talked on, there was not a great deal about it, still there was a right smart said but I don't just remember what it was.
Q Where was she at that time? A She was at her brother's to the best of my recollection, George
Q And when was this conversation as near as you can? A I can't just remember when it was, it was a week or two after I heard that they had separated, it was long in September, October or '96
Q '96? A Or 96

MR. HASTINGS:

Q You heard that they separated? A Yes, sir
Q And he said that they played quits? A Yes, sir, just the way he spoke it

Commission: The attorney for the applicant in behalf of the applicant, and the attorney for the Cherokee Nation in behalf of the Cherokee Nation submit the case and the case is

ordered closed and reported to the Commission for a final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 20 days in which to file a brief, one copy with the Commission and one copy with the representative of the Cherokee Nation.

---oo0OOOoo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Stenographer.

Cherokee D 596.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 10, 1902.

In the matter of the application of Sarah E. Nicholson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental Proceedings.

SARAH E. NICHOLSON, being sworn, testified as follows:

By the Commission,

Q What is your name, please? A Sarah E. Nicholson.
Q What is your postoffice? A Ramona.
Q What is your age at this time? A Thirty years old.
Q Thirty? A Yes, sir.
Q Are you the same Sarah E. Nicholson that made application to the Commission for enrollment as an intermarried citizen in October, 1900? A Yes, sir.
Q What is your husband's name? A Richard Henry Nicholson.
Q Is he a Cherokee by blood? A Yes, sir.
Q Is he living at this time? A Yes, sir.
Q When were you and he married? A '94.
Q In 1894? A Yes, sir.
Q Where were you married? A Skiatook.
Q Were you ever married prior to your marriage to Mr. Nicholson?
A No, sir.
Q Had he ever been married prior to your marriage to him?
A No, sir.
Q You're his first wife, and he's your first husband? A Yes, sir
Q Have you and Mr. Nicholson lived together as husband and wife from the time of your marriage in '94 to the present time?
A No, sir.
Q You have separated? A Yes, sir.
Q When did you separate? A We lived together just two years and six months.
Q You lived together just two years and six months? A Yes, sir.
Q And have been separated ever since? A Yes, sir.
Q What was the cause of your separation? A Non-support.
Q Did you leave him, or he leave you? A He left me.
Q Where were you living when he left you? A Four or five miles east of Talala.
Q Were you living in the country on a farm? A Yes, sir.
Q Whose farm were you living on? A His farm.
Q What kind of a house were you living in? A Log house.
Q And he go away and leave you in the house? A Yes, sir, he went away to Texas to his sister's.
Q What did he say to you when he left? A He did not say anything particular. He was gone five days and I didn't know what had become of him.
Q Stayed away five days? A Yes, sir.
Q Well, how long did you stay there at the house after he left?
A I stayed there that day and then went to my neighbor's and stayed all night, and then I stayed until the next evening and went to his mother's.
Q Went to his mother's? A Yes, sir, and then she taken me to Texas.

Q Did he ever come to you after that? A Yes, sir, he came to me, but did not ask me to go home -- only once he came for me to go on horseback, and I told him I was sick, I was chilling, and could not ride horseback.
Q And he never said anything after that time? A No, sir.
Q Have you ever been divorced? A No, sir.
Q Has he ever applied for a divorce? A Not that I know of.
Q You have never married anybody since you married Nicholson?
A No, sir.
Q You were still his wife in the eyes of the law on the first day of September, 1902? A Yes, sir.
Q Where have you lived since 1894? A With my mother in Ramona, only just in the last two years I came to my brother's at Talala.
Q You have lived in the Cherokee Nation ever since 1894? A Ever since I came to this country.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this [illegible] day of October, 1902.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 2nd., 1906.

IN THE MATTER OF THE APPLICATION FOR THE [redacted] OF
SARAH E. HIGGINBOTHAM AS A CITIZEN OF THE [redacted] NATION

D--804

Now comes the Cherokee Nation and respectfully protests against the decision of the Commission rendered on January 26th., 1906., and asks that the same be forwarded to the Secretary of the Interior for review, together with the brief heretofore filed by the Cherokee Nation in the above case.

Respectfully submitted,

[redacted]
Attorney for the Cherokee Nation

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., April 17, 1901.

In the matter of the application of
Sam J. Nicholson for enrollment as a
citizen of the Choctaw Nation. } J. P. 59.

Application for enrollment.

The testimony in this case shows that the applicant was married to one Jonas F. Nicholson, a Choctaw citizen by blood, in April, 1895; that to this union were born two and six children, respectively, the last two being twins, born in the month of October, 1900. The applicant's father and mother and Jonas's father in the month of October, 1900, went to a birthday dinner at the applicant's father's house on Jan. 6th. You will observe that this application was not presented to this office until the twins, two of the children mentioned, had reached the age of about three months, but upon the filing of the application the Commission was informed that the twins were sick and could not be brought to the office, and for that reason the application was not presented. The Commission is unable to perceive why the twins could not have been brought to the office, and for that reason declines to grant the application.

Respectfully submitted,

Chairman.

Approved for the Secretary of the Interior.

that the plaintiff and defendant were married on the 7th day of April 1894
that the complaint in said action was filed Nov 8 10 2

Cherokee D-596.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the enrollment of Sarah F. Nicholson as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--:o:--

The record in this case shows that on October 16, 1900, Sarah E. Nicholson appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 5, 1902, on March 6, 1902, and again on October 10, 1902.

The evidence shows that Sarah E. Heindselman, a white woman, and Richard H. Nicholson, a citizen of the Cherokee Nation, admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 13, 1883, were lawfully married on April 27, 1894. Sarah F. Nicholson is identified on the Cherokee Census Roll of 1896.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The evidence further shows that about two years and a half after the applicant's marriage, her husband, Richard H. Nicholson, refused to live longer with his said wife, separated from and deserted her. Sarah F. Nicholson has resided in the Cherokee Nation continuously since the date of her marriage, as hereinbefore shown, and has not been divorced or remarried, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Sarah F. Nicholson should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Dated at Muskogee, Indian Territory,
this 14 Jan 1903

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902

Mrs. Sarah E. Nicholson,

Ramona, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 5th day of March, 1902,

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representative of the Cherokee Nation will, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, and said Representative will be required to notify you of any testimony which may be introduced by him.

Cherokee D-898
Register.

Commissioner in Charge.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of .....

Sarah C. Nicholson ..... for enrollment as a Cherokee ~~Freedman~~ Citizen.

No. F. D 376

STARR, ... of lawful age, being duly sworn on oath states that on the 27th day of Feb. ..... A. D. 1902 he registered to Sarah C. Nicholson, whose postoffice is Tamaha ..... Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Tamaha, ... Indian Territory, and that on the 5th day of March, ... 1902 he received the return card which is hereto attached signed by the said Sarah C. Nicholson, showing that he had received said notice.

Subscribed and sworn to before me this the 5 day of March A. D. 1902

J. C. Starr

Notary Public.

C. D. 516

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of 190

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I [illegible] swear that I delivered a true copy of the [illegible]

[illegible] A. D. 190

[illegible]

NOTICE!

IN THE MATTER OF the application of Sarah E. Nicholson.
for enrollment as Cherokee citizens:
Case No. D 596.

To Sarah E. Nicholson, Ramona, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 5th, 1902. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof the undersigned representatives of the Cherokee Nation have hereunto set our hands this 21st day of Feb. 1902.

W. Hastings Jr

W.

Attorneys for the Cherokee Nation

COPY. Cherokee D-596.

Muskogee, Indian Territ ry, January 29, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting the application of Sarah E. Nicholson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

E. C. S-6.

Vinita, Indian Territory, February 13, 1903.

Commission to the Five Civilized Tribes,

~~Muskogee, Indian Territory.~~

Gentlemen:

As directed in the Commission's letter of February 7, the jackets and records in the following Cherokee cases are transmitted herewith:

D- 596, Sarah E. Nicholson,
D- 580, Julia A. Moore, et al.,
D- 333, John E. Martin, Sr.,
D-1267, Beatrice Allen.

Respectfully,

Clerk in Charge.

Encl-8-9

GRS

COPY.

Cherokee D-596

Muskogee, Indian Territory, February 16, 1903.

Sarah E. Nicholson,

Ramona, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been furnished your attorney, E. B. Lawson, Bowata, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, otgether with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The

action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby.

Acting Chairman.

Enc. M-227

Register.

COPY

Cherokee D-596

Muskogee, Indian Territory, February 16, 1903.

E. B. Lawson,

Attorney for Sarah E. Nicholson,

Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of Sarah E. Nicholson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated January 28, 1903, granting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Rec. R-167

Respectfully,

Register

Acting Chairman.

Cherokee D-596

Muskogee, Indian Territory, February 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Sarah E. Nicholson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 28, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 3, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Acting Chairman.

COPY.

Cherokee D-596

Muskogee, Indian Territory, February 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Sarah E. Nicholson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 28, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Acting Chairman.

Enc. E-68

Through the

Commissioner of Indian Affairs.

Cherokee
D 896.

Muskogee, Indian Territory, January 28, 1907.

Sarah E. Nicholson,

Ramona, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 31, 1906, and your application denied.

Respectfully,

JWW

Commissioner.

Cherokee
D 596.

Muskogee, Indian Territory, January 14, 1907.

E. B. Lawson,

Attorney for Sarah E. Nicholson,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting the application of Sarah E. Nicholson for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 31, 1906, and said application denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. H-194
JMH

Commissioner.

Cherokee
D 596.

Muskogee, Indian Territory, January 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 28, 1903, granting the application for the enrollment of Sarah E. Nicholson as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 31, 1906, and said application denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-153
JMH

Commissioner.

D.C.1151-1907. Y.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I. T. D.24628-1906. December 31, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 8, 1906 (Land 12111-1903), the Indian Office submitted the record in the Matter of the application for the enrollment of Sarah E. Nicholson as a citizen by intermarriage of the Cherokee Nation, and recommended that the decision of the Commission to the Five Civilized Tribes of January 28, 1903, in favor of the applicant, be reversed.

In view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the decision of the Commission to the Five Civilized Tribes of January 28, 1903, is reversed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

4 inc. to Ind Of.

Cher R 1131

Trans from Cher D597

Cher R 1131

18

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 16 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 16 1900 1900.

1 Name Francis E. Choteau Lumpah D. T.

District COOWEESCOOWEE. Year 1896 Page 350 No. 100

Citizen by blood yes 1/4 Mother's citizenship Shawnee

Intermarried citizen

Married under what law Date of marriage

License Certificate

2 Wife's name Anna M. Choteau

District COOWEESCOOWEE. Year 1896 Page 300 No. 301

Citizen by blood 1/2 Mother's citizenship 1/4 Cherokee

Intermarried citizen (yes or no)

Married under what law Date of marriage

License Certificate

Names of Children

	Dist.	Year	Page	No.	Age
	COOWEESCOOWEE	1896	339	100	14
			339	109	11

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata,I.T.,October 16, 1900.

In the matter of the application of Francis E. Chouteau for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Francis E. Chouteau.
Q What is your age? A 40.
Q What is your post-office address? A Lenapah.
Q In what district do you live? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q What degree of blood do you claim? A Quarter.
Q For whom do you apply for enrollment? A For myself and wife and three children.
Q What is the name of your wife? A Annie M.
Q Is she a citizen by blood? A No sir.
Q Have you any marriage certificate? A Yes sir.(Produces paper Com'r: The applicant presents certificate of marriage in due form certifying that he was married according to the ast of the State of Illin is to one Anna Mariah Daley, a non-citizen, on the 20th day of November 1883.
Q What are the names of your children under 21 years of age at home A Mary F. 16; Francis E., Jr., 14; Cyprian W. 11. That's all.
Q Are these children alive and living with you? A The first one, Mary, is dead.
Q How long have you lived in the Cherokee Nation? A 5 years.
Q Where did you live previous to that? A Kansas City, Missouri, this oldest daughter just died in August this year.
Q You have lived here five years and previous to that you have lived in the State of Missouri? A Yes sir.
Q Are you a permanent resident now? A Yes sir.
Q Where were these children born? A All of them born in Missouri.
Q Is your name on the roll of 1880? A Yes sir.
Q What is the name of your father? A Cyprian.
Q Is he living? A No sir.
Q What is the name of your mother? A Nancy.
Q Is she living? A Yes sir.
Q Did you own any property here before you came here? A Yes sir I made a place in 18[illegible] here.
Q In what part of Kansas did you live? A I was born in Johnson County, Shawnee Reservation.
Q You lived at that place until five years ago? A No sir, I was living in Missouri, Kansas City, Jackson County.
Q Have you removed into the Territory with the intention of remaining here? A Yes sir, of yes sir
Q What degree of blood do you claim? A Quarter
Q Where were you living in 1896? A I was living in the Territory.
Q What district would you be in in 1896 A Cooweescoowee
Q Did you ever pay the one hundred ninety-five dollars?
A Yes sir Produces paper
Q Have you any receipt for it? A No sir, they never give me any receipt for it
Q When did you pay that? A November, 1896
1896 roll page 338 #1164 Francis E Chouteau Cooweescoowee Dist;
1896 roll page [illegible] #[illegible] Annie E Chouteau "
1896 roll page 338 #1165 Francis E Chouteau "
1896 roll page 338 #1167 as Cyprin W Chouteau "

Com'r Needles The applicant presents a certified copy of an

act of the Cherokee legislature, admitting among others one Francis E. Chouteau to all the rights of Cherokee citizenship as a Shawnee; said act being approved by D. W. Bushyhead, Principal Chief, on the 6th day of December 1880; the certified copy presented being certified to as a true copy of the act; signed by B.W. Alberty, Assistant Executive Secretary, and the seal of the Cherokee Nation; said act provides that the said Francis E. Chouteau should be entitled to all the rights of Cherokee citizenship upon the condition that he pay to the Treasurer of the Cherokee Nation the sum of 195 dollars; said applicant avers that he has paid said money; that he was not found upon the authenticated roll of 1880, but is found upon the census roll of 1896; he presents satisfactory proof that he is an orphan to one Ann E. Daley, a non-citizen, in the year 1883, that the name of Ann E. Chouteau, nee Daley, is found upon the census roll of 1896; the names of his children, Francis E. Jr. and Cyprian W. are also found upon the census roll of 1896; said applicant now presents a receipt under date of September 17th 1889, signed by [illegible], Treasurer of the Cherokee Nation, under the seal of the Cherokee Nation, said receipt being for the sum of 195 dollars paid in accordance with the act of the National Council approved December [illegible], as shown by the records of the office of the Secretary of the Interior; said applicant is duly identified [illegible] to the Cherokee rolls, indicated by the testimony; he avers that he removed to the Cherokee Nation from the State of Missouri in the year 1895, and claims rights under the act of the National Council of the Cherokee Nation that

"All persons who have been or may hereafter be readmitted to citizenship in the Cherokee Nation, and who may be required to locate within the limits of the Cherokee Nation from any cause whatever, shall receive from the Agent, upon the presentation of a certificate of readmission, a permit to remove into the country as provided [illegible]

[illegible]

"R"

Cherokee D 597

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Francis E. Chouteau for the enrollment of himself and wife as Cherokee citizens.

Appearances:
J.H.Keith, Coffeyville, Kansas, attorney for the applicants;
W.WHastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for the enrollment of himself and wife and children as citizens of the Cherokee Nation would be taken up for final consi deration by th e Commission at its offices in Muskogee, Indian Territory, on the 5t day of March,1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 5th day of March,1902, appears in personand by his attorney, J.H.Keith, Coffeyville, Kansas.

BY COMMISSION OF ATTORNEY KEITH: Any statement you desire to make relative to this case? A Yes sir.

FRANCIS E. CHOUTEAU, being first duly sworn, and being examined testified as follows:
BY MR. KEITH:
Q Give your name and post-office address? A Francis E. Chouteau, Lenapah, Indian Territory.
Q How old are you? A 42.
Q When did you first come to the Indian Territory? A 1878.
Q From whence did you come? A From Kansas City, Missouri.
Q When did you first make a location in the Indian Territory? A 1882.
Q Where? A Why two miles and a half of ,west of Lenapah.
Q Do you now reside there? A Yes sir.
Q How much of your time were you in the Indian Territory after 1882? A I was here all along from one to six months every year.
Q When did you cease to go away and reside here permanently? A I moved here in May,1895, and I have been here permanently ever since.
Q Prior to that time you had been coming back and forth? A Yes sir
Q Did you have the home that you now have prior to 1895 in the Indian Territory? A I had the place, yes sir.
Q You had owned it since 1882? A Yes sir.
Q Did you commence making the place in 1882? A Yes sir.
Q That is the place upon which you now reside? A Yes sir.
Q I will ask you between the years of 1882 and 1895 if you exercised the rights of citizenship in any other country besides or outside of the Indian Territory; did you ever vote in Missouri or Kansas during those years? A No sir.
Q Did you in the Indian Territory? A Yes sir.
Q Did you exercise any other rights of citizenship in the Indian Territory between those years? A I was subpoenaed before the courts of the Indian Territory and served on the jury.
Q I will ask you what was your intention in 1882 when you made those improvements what was your intention after that prior to 1895 as to your future residence? A I always intended living here.
Q In the Indian Territory? A Yes sir.
Q Do you know howmuch of the year 1882 you spent on your farm in the Indian Territory? A Yes sir, I was here two months.

Q You know how much you spent here in 1883? A Why I can't say for certain, the number of months of each year; I stayed from one to six months every year.
Q One to six months in each year between those years? A Yes sir.
Q And that was your home during that time? A Yes sir.

BY MR. HASTINGS:

Q How long was your wife down here in 1882? A Never was here, not until 1894.
Q Where did you marry her? A Illinois.
Q State of Illinois? A Yes sir.
Q When? A 1883.
Q Where were all of these children born then? A Kansas City.
Q She lived there continuously all the time up until 1895? A Yes sir.
Q All of these children were born there? A Yes sir.
Q Did you have a house there? A No sir.
Q Did you live in the house? A Yes sir.
Q Had one rented? A No sir, it belonged to my mother and I lived with her.
Q Your wife was there and she never come to the Territory until 1895 and all of your children were born there, and still the Cherokee Nation was their home? A Yes sir, I never voted in Missouri.
Q Who did you vote for down here? A I voted for Mr. Buffington, last election.
Q Now who before1895? A I voted for Sam Mayes.
Q Well that was the year 1895, who did you vote for before that now? A I don't remember now.
Q You didn't vote for anybody did you? A Yes sir, I voted every year since 1882.
Q But you can't remember who they were can you? A No sir.
Q Never voted up yonder? A No sir.
Q Always intended to come back here? A Yes sir.
Q Did you ever intend to take a trip to Europe? A No sir.
Q What did you give for that place in 1882? A Seventy-five dollars.
Q Who did you buy it from? A Frank Chouteau, my cousin.
Q Have you got a bill of sale for it? A No sir.
Q Never did have one? A No sir.
Q How much was in cultivation? A About 2 acres.
Q You have had a lessee on that all the time? A No sir.
Q How much rent did you get in 1882? A One-third.
Q How much? A I guess about ten dollars.
Q How much rent did you get in 1883? A I improved it in 1883, and moved out about a hundred acres.
Q Did you pay for it? A Yes sir. I was paid two dollars an acre to have it improved.
Q Who did you pay that to? A Morrison.
Q What were you doing in Kansas City from 1882 to 1885? A Going to school.
Q What sort of school were you going to? A Public school.
Q You? A Yes sir.
Q When did you quit going to school? A In 1885.
Q What did you do from that on up to 1893, eight years? A I was had one year for a notary public up there.
Q What were you doing the next year? A Not anything, I come down here. I had cattle down here.
Q Where did you have them? A In the hands of Mr. Jim Elliott
Q When did you buy those cattle? A In 1883 I think.
Q That was while you were going to school? A Yes sir.
Q How long did you stay down here with your cattle? A I, from one to six months every year.
Q Well I want to know that year, 1885? A Why I can't tell you.
Q Do you know in 1885? A No sir.
Q Do you know in 1886? A No sir.

Q What did you do in Kansas City in '88? A Not much of anythi
Q What did you do there in 1889? A I was not in any business at all.
Q What was you doing in '90? A I was not in a ny business at all.
Q '91? A No.
Q '92? A No.
Q Nothing in 1893? A No sir.
Q Nothing in 1894? A No sir.
Q Three of these children by your last wife were born there in Kansas City? A Yes sir.
She never came here until 1895? A No sir.
Q Your mother dead? A No sir.
Q She lives up there yet? A Yes sir.

BY MR. KEITH: We desire the privilege of introducing further testimony in this case. The applicant, by his attorney, J.H. Keith, asks for a continuance, for the reason that the attorney was only employed this morning, and the applicant being unfamiliar with the rules and practices before this Commission he brought the affidavits of various and divers persons to establish his citizenship and residence in the Indian Territory, and under the rules and regulations governing the practice before this Commission affidavits are inadmissable; therefore desire a continuance until the 20th day of March,1902, in which to produce witnesses to appear before the Commission in his behalf.

BY COMMISSION OF MR. HASTINGS: Do you consent to a continuance, Mr. Hastings? A Yes sir, I don't care.

BY COMMISSION: The request of the attorney for the applicant for a continuance will be compl ed with and the case will be continued until the 20th day of March,1902.

MR.KEITH: In this case we desire to introduce a marriage certificate.

BY COMMISSION: There is offered in evidence by the at'orney for the applicant a certificate showing that Francis E. Chouteau and Anna Maria Daley were united in matrimony by E.C. Hickies, Pastor Presbyterian Church, of Dixon, Illinois, on the 20th day of November,1883. Same is filed and made a part of the record.

BY MR. HASTINGS: Special attention is called by the representatives of the Cherokee Nation to the residence given by the applicant at that time in his marriage certificate.

I, M.J. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

D. 597.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 20, 1902.

In the matter of the application of Francis E. Chouteau for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Applicant represented by J. H. Keith, Coffeyville, Kas.
Cherokee Nation represented by W. W. Hastings.

Case continued by agreement from March 5 to March 20, 1902.

MR. KEITH: Please state your name and place of residence? A John R. Welch, Lenapah, Indian Territory. 61 or 2 years old, I don't know exactly.
Q How long have you resided in the Indian Territory, Mr. Welch? A I come here in '71.
Q What is your nationality? A Shawnee.
Q By blood? A Yes, sir.
Q Are you acquainted with Francis E. Chouteau? A Yes, sir.
Q How long have you known him? A I have knowed him ever since he was three or four years old, and younger than that.
Q Do you know when he first came to the Cherokee Nation? A Well, he come down in '81 and built, but he come down before that a few times.
Q He built a house in the Cherokee Nation in 1881? A Yes, sir.
Q There? A On California Creek, southwest of Lenapah about two or three miles.
Q Does he still own that farm? A Yes, sir.
Q Has he owned the improvement ever since he built the house there in 1881? A Yes, sir.
Q Do you know how much of the year 1881 he spent in the Cherokee Nation? A In '81?
Q Yes, sir. A He spent three or four months.
Q You know how much of the time he spent in the Cherokee Nation in 1882? A About the same, somewhere along there, I don't know exactly, but three or four months.
Q Between the years 1882 and 1895 about how much of the time did he spend in the Cherokee Nation each year? A Well, he spent about that much all that time, he was with me every spring and through the summer; he must have spent three or four months during each year.
Q You said he spent three or four months during each year between 1881 and 1895? A Yes, sir, about that much I think.
Q What was he doing when he was down here? A Well, he was down on the farm part of the time, and he has come settle down there.
Q Did he improve the farm upon which he now resides during those years? A Yes, sir.
Q You know where he boarded when he was here? A He boarded with me, stayed with me every year.

MR. HASTINGS: What kin are you to him? A Well, I married in the family, I don't know what kin I am to him.
Q Don't know what relation your wife is to him? A Why I married his uncle's daughter.
Q His uncle was married himself in the states, wasn't he? A Yes, sir.
Q In what year? A Who?
Q Francis Chouteau. A Oh, yes, he was married in the states.
Q What year? A I don't know what year he was married.
Q How much of the year of '82 did he spend in the Cherokee Nation? A '82?
Q Yes, sir. A Well, he was at my house in '82, he spent part of

the time every year——
Q Well, do you remember that specific year of '93? A I don't think I knew; there's nothing that I can go by.
Q Do you remember the year of '94 how much of the time he spent at your house? A I couldn't figure out how much he spent, but he was there.
Q How much of the year of '95 did he spend at your house? A He must have spent the spring and fall, I know.
Q How many children was born down in the Cherokee Nation? A I don't think there was any of them born there.
Q When was the first time you ever laid eyes on his wife? A Oh, a good while ago.
Q Where did you see her? A In Kansas City.
Q But I mean inside of the Cherokee Nation? A Well, she was here sometime, it must have been in 1890.
Q The year of 1890? A Yes, sir.
Q Come down on a visit? A Come down on a visit.
Q How long did she stay that time? A Well, I don't remember how long she staid, it must have been three or four weeks anyhow.
Q She was living in Kansas City? A Yes, sir.
Q That is the first time she had ever seen the Cherokee Nation? A Yes, sir, the first time I seen her in the Cherokee Nation.
Q Well, she never come down here at all until the year of '98 to live? A '94 or '5 somewheres.
Q Well, do you know which year it was? A I don't know exactly, but it was '94 or '95.
Q Well, was it in August or September? A The last of May, sometime in May.
Q Well, if he stated he came here in May, '95, do you think he was correct? A It was in May, it was in '95 I guess it's pretty near correct.
Q Now what you want to be understood as swearing is that this man had a farm down here in the Cherokee Nation, and he occasionally left his wife away up there in Kansas City and he came down here off and on, and spent part of his time upon the farm; that is what you wanted to say? A No.
Q That isn't it? A He was down here several years that I know of.
Q Well, he only come down and staid a short time and kept his family back up there, was that it? A Yes, sir, he came and didn't bring his family down.
Q They were left back up there? A Yes, sir.
Q But he never made a crop on the place himself individually and personally? A No, sir, I don't think he ever made any crop himself.

J. W. Threlkeld, being first duly sworn, testified as follows:

Mr. Keith: Please state your name and place of residence?
A J. W. Threlkeld, Lenapah, I. T.
Q How old are you, Mr. Threlkeld? A 51.
Q How long have you resided in Lenapah? A Been living in town about ten years.
Q How long have you lived in the Cherokee Nation? A Since '84.
Q Are you acquainted with Francis E. Chouteau? A Yes, sir.
Q How long have you known him? A Why I have known him ever since I was about ten years old I guess.
Q Do you know when he first came to the Cherokee Nation? A I seen him the first year I was here, seen him down here.
Q How long was he here that year, do you know? A I don't know.
Q How often did you see him here between the year '94 and the year '98? A Why I think I see him down here pretty near every summer and fall.
Q Do you know how long he would stay when he would come down between those two dates? A No, I don't know how long he would stay, couldn't say about that.

Q Do you know whether he had any farm or other improvement in the Cherokee Nation between 1884 and 1895? A Why he had a farm on California Creek there when I came down here.
Q Has he still got that farm? A Yes, sir.
Q Does he reside upon it? A Yes, sir.
Q Do you know what he was doing when he was here between the dates that I have just mentioned to you? A Why I don't know as I could say exactly, most of the time I seen him was when he was around Mr. Welch's over there.
Q Do you know whether he was working on his farm or not? A Don't recollect of noticing him, but once I think, one year I was over there—
Q How far did you live from his farm? A About four miles over there.
MR. HASTINGS: Where did this man marry? A I couldn't say.
Q When did you first see his wife? Q Why I think I seen her once or twice before she came down here, but I wouldn't be certain.
Q When did they move down here? A I think it was in '95.
Q Well, he was married in the states? A I think so.
Q All of his children were born there? A I couldn't say about that.
Q Well, all born out prior to 1895? A Yes, sir.
Q And he lived up there with his wife with the exception that he would come down here now and then looking after his farming interest, isn't that the fact? A That's all the time I seen him down here, while he was down looking after his place.
COMMISSION: Do you submit the case?
MR. KEITH: Yes, sir.
The attorney for the applicant and the representative of the Cherokee Nation present submit the case; the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Arthur A. Croninger, do hereby certify that I as stenographer to the Commission to the Five Civilized Tribes I reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Arthur A. Croninger

Cherokee D 597.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 28, 1902.

In the matter of the application of Francis E. Chouteau for the enrollment of himself and his three minor children, Francis E., Jr., Cyprian W. and Karl F. A. Chouteau, as citizens by Shawnee blood, and for the enrollment of his wife, Annie M. Chouteau, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

FRANCIS E. CHOUTEAU, being sworn, testified as follows:

By the Commission,

Q What's your name, Mr. Chouteau? A Francis E.
Q How old are you at this time? A Forty-two.
Q What's your postoffice? A Lenapah.
Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Of Shawnee blood, are you? A Yes, sir.
Q What is your wife's name? A Annie M.
Q Your wife's a white woman, is she, Mr. Chouteau? A Yes, sir.
Q An applicant for enrollment as an intermarried citizen? A Yes, sir.
Q When were you married to your wife, Annie? A In November, '83.
Q Had you ever been married before your marriage to her? A No, sir.
Q Had she ever been married before her marriage to you? A No, sir.
Q Have you and she lived together continuously since the date of your marriage up to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q How long have you lived in the Cherokee Nation, Mr. Chouteau?
A Since the 20th of May, 1890.
Q Has your wife lived here since May '90 in the Cherokee Nation?
A Yes, sir.
Q These children, Francis E., Jr., Cyprian W. and Karl F. A., your children by your wife, Annie M.? A Yes, sir.
Q Are they all living now? A Yes, sir.
Q The two eldest have lived in the Cherokee Nation with you since '90, have they? A Yes, sir.
Q And the youngest; you lived all his life here? A Yes, sir.

Bettie Tiger, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 5th day of December, 1902.

Notary Public.

The evidence further shows that the said Francis C. Chouteau removed to the Cherokee Nation in May, 1[illegible], and has since that time, [illegible], had living together as husband and wife, and has been residing and living together in said Nation since that time. The residence of the children appears to be that of their parents.

It is, therefore, the opinion of this Committee that Francis C. Chouteau and Emil C. A. Chouteau are entitled, as citizens of the Cherokee Nation of Indians by blood, in accordance with the provisions of section two hundred and [illegible] of the Act of Congress approved [illegible], 1906 (34 Stats., 481), and it is further the opinion of this Committee that the names of the said Francis C. Chouteau, Francis C. Chouteau, Jr., and Emil C. A. Chouteau should be placed upon the Cherokee roll of citizenship by blood, and that the Secretary of the Interior be requested to cause the necessary [illegible] to be made to the Cherokee Nation of Indians by blood, and that the said citizens be furnished with certificates of citizenship by blood.

[illegible]

Cherokee D. 597.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis H. Chouteau for the enrollment of himself and his three minor children, Francis H. Jr., Sylvian F. and Karl F. A. Chouteau, as citizens of the Cherokee Nation of Cherokee Blood.

DECISION.

The record herein shows that on October 16, 1900, Francis H. Chouteau appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his two minor children, Francis H. Jr., and Sylvian F. Chouteau, as citizens of the Cherokee Nation of Cherokee blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 7, March 26 and October 29, 1901. On May 1, 1901, a birth affidavit was filed showing that Karl F. A. Chouteau, a minor child of the applicant, was entitled to be enrolled as an original application.

The application also includes Annie L. Chouteau as a citizen, but evidence of her citizenship is not submitted, nor does she appear in person or by counsel, but it is understood that she is not interested in this application.

The evidence shows that Francis H. Chouteau is a Cherokee by blood, and formerly resided in the Cherokee Nation but removed therefrom prior to the first day of September, 1890, and has not since resided therein. It appears that he married Annie L. [illegible] a citizen by intermarriage of the Cherokee Nation by marriage, on December 31, 1890, and that [illegible] was born to them the following children, to wit: Francis H. Jr., born March 26, 1892, Sylvian F., born May 1, 1894, and Karl F. A., born March 29, 1896, all of whom were living at the time of the application. The said Annie L. died [illegible] 1900, and the said Francis H. Chouteau married his present wife, Annie L. [illegible], a citizen by intermarriage of the Cherokee Nation, on December 28, 1900, and the three children named are the issue of that marriage.

All the children named, excepting the youngest child, are identified on the Cherokee census roll of 1896, and the said child, Karl F. A. Chouteau, is identified by a birth affidavit made a part of this record.

The evidence further shows that the said Francis E. Chouteau removed to the Cherokee Nation in 1895, and that he and his wife Annie M., have been residing and living together in said Nation since that time. The residence of the children is considered to be that of their parents.

It is, therefore, the opinion of this Commission that Francis E. Chouteau, Francis E. Chouteau, Jr., Cyprian W. Chouteau and Karl F. A. Chouteau should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

1

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Tahlequah I. T. September 5th 1903.

Cherokee D. #897.

In the matter of the application of Francis E. Cheuteau et al for enrollment as citizens of the Cherokee Nation.

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Pfotest of the Cherokee Nation.

Comes now the Cherokee Nationand protests against the Decision of the majority of the Commission to the Five Civilized Tribes and asks that the record in the case together with the decision and this protest be forwarded to the Honorable Secretary of the Interior for Review.

A R G U M E N T.

The testimony in this case is undisputed that Francis E. Cheuteau was admitted by the Cherokee National Council, by an act approved December 6, 1880, to citizenship inthe Cherokee Nation, conditioned that he first pay to the Treasurer of the Cherokee Nation the sum of One Hundred and Ninety-five dollars; that this sum was not paid until September 17, 1889 and that he removed to and located in the Cherokee Nation in May 1898.

The Chairman of the Commission to the Five Civilized Tribes dissents from the majority opinion of the Commission in this that he believes that the two children born after their father was conditionally admitted, and before september 17, 1889, the time when his citizenship was perfected, should be denied.

We contend that there can be no doubt as to the correctness of the views of the Chairman of the Commission to the Five Civilized Tribes in this case as to the rights of these two children because at the time they were born their father was not a citizen of the Cherokee nation and it can not be contended that Francis E. Cheuteau Sr., was a citizen of the Cherokee nation between September 17, 1889 and the perfecting of his citizenship by his paying the stipulated sum of $195.00 the amount paid by [illegible] in the agreement of 1889 did not confer rights upon his [illegible]

children; this treaty at no time admitted the minor children except upon condition of their paying the stipulated price; the admission of the father did not admit the minor children and they were not admitted except by paying the price and to have admitted the two minors in this case it would have been necessary for them to have been admitted upon like conditions as their father and to have paid a like amount into the Treasury of the Cherokee Nation. Under the Shawnee agreement of 1871 an equal amount was paid for all persons, adults and minors alike and no minor born prior to 1871 could be admitted to citizenship in the Cherokee Nation unless his name was upon the Shawnee roll for all of whom a certain stipulated amount of money was paid. In thiscase the citizenship of Francis E. Chouteau Sr was not perfected when these two children were born; he was a resident of the State of Kansas, a citizen of that state; these two children were bornthere, citizens of the state of Kansas and these children inherited no rights of citizenship in the Cherokee Nation because their father had not at the time to descend to them; he had none to confer. There was no law or treaty to give them rights because their father had failed to perfect his citizenship and it was clearly the intention of the Cherokee National Council to make every Shawnee admitted to citizenship in the Cherokee Nation to pay the sum of $160.00 This amount not having been paid for these two children we concurr with the Chairman of the Commission to the Five Civilized Tribes in his opinion that these two children should be refused enrollment.

Respectfully,

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 16 1900

Senate Bill No."51.

An Act to Admit Fredric L.Cheuteau and Frances E.Cheteau and Joseph Flint,Shawnee Indians to citizenship in the Cherokee Nation.

Be it enacted by the National Council:

That Fredric L.Cheteau and Frances E.Cheteau ,Shawnee Indians be and they are hereby admitted to all the rights and priveleges of ether Shawnee residents in and citizens of the Cherokee Nation underthe same conditions imposed by the agreement between the Shawnees and Cherokees concluded June 7th 1869,approved by the President June 9th 1869.

Be it further Enacted:That Joseph Flint a Shawnee Indian be and he is hereby admitted to all the rights and priveleges of other Shawnees residents in the Cherokee Nation and citizens of the same on the same condition imposed by agreement between Shawnees & Cherokees concluded June 7th 1869,Approved by the Prest. June 9th 1869,Provided that the persons herein admitted shall pay to the treasuer the sum of One hundred and ninety-five dollars,the amount paid permanently by the Shawnees new Citizens of the Cherokee Nation.

Tahlequah C.N.) Dec.2nd 1890

J.L.Springston,
Clerk Senate.

S.M.Benge,
Prest.Senate.

Concurred in by Council Dec.4th 1890.

D.B.Hicks,
Clerk Council.

Geo Hair,
Speaker Council.

Approved Dec.8th 1890.

Principal Chief.

Executive Office,

Cherokee Nation,

Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy copy taken from the record of laws of the Cherokee Nation that said record has been filed in this office by law and is in my custody.

Given under my hand and the seal of the Cherokee Nation, this the 12th day of October 1900.

B. W. Alberty

Assistant Executive secretary,

Cherokee Nation.

Cherokee D. 5&7.

This certifies that Francis M. Chouteau, of Kansas City, State of Missouri, and Annie Hamilton Ley, of [illegible], State of Illinois, were united in marriage according to the Ordinance of God and the Laws of the State of Illinois, at Dixon, Lee County, on the twentieth day of November, in the year of [illegible] One Thousand Nine Hundred Eighty Three.

W. C. Steele, Pastor
First Presbyterian Church, of
Dixon, Ills.

[illegible]

[illegible]

I, [illegible], [illegible] do hereby give [illegible] in [illegible] of this [illegible].

C. R. Rhamstine Jr.

D. W. LIPE.
TREASURER

ROBT. B. ROSS.
DEPUTY TREASURER

Treasury Department

CHEROKEE NATION, IND. TER.

Tahlequah, August 19 1896

This is to certify that Frances E. Chatteau a Shawnee Indian has paid into the treasury of the Cherokee Nation the sum of One hundred and ninety five dollars in accordance with the act of the National Council approved Dec 6 1880 as shown by the records in this office - of date Sept 17, 1889.

Given under my hand this the date and day first above written

D. W. Lipe
Treasurer C. N.

By [illegible]
Deputy

Cherokee-D-597

THIS CERTIFIES THAT

Francis E. Chouteau and Annie Maria Daley

of Kansas City of Dixon

State of Missouri State of Illinois

WERE UNITED IN MARRIAGE

According to the ordinance of God and the Laws of the State of Illinois, at Dixon, Lee County, on the twentieth day of November in the year of Our Lord one thousand eight hundred and eighty-three

Witness
W. T. Cheffield
B. F. Wadsworth

E. C. Sickels, Pastor
Presbyterian Church at
Dixon, Ills.

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Francis E. Chouteau, Francis E. Chouteau, Jr., Cyprian W. Chouteau, Karl F. A. Chouteau and Annie M. Chouteau as citizens by blood of the Cherokee Nation.

Muskogee, Indian Territory,

May 8, 1902.

COPY.

Cherokee D-597.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis E. Chouteau, et al., for enrollment as citizens of the Cherokee Nation.

STATEMENT OF FACTS AND BRIEF.

The principal applicant, Francis E. Chouteau, is a Shawnee Indian. He was admitted to citizenship in the Cherokee Nation by act of the Cherokee National Council approved December 6, 1880, which provided, among other things, that he should pay to the Treasurer of the Cherokee Nation the sum of One Hundred and ninety-five Dollars. He paid the said sum of money to the Nation's Treasurer on September 17, 1889, and thereby complied with the terms of his admission.

The said act material to this discussion is as follows:

"Be it enacted by the National Council, That Frederick L. Chouteau and Francis E. Chouteau, Shawnee Indians, be and they are hereby admitted to all the rights and privileges of other Shawnees, residents in and citizens of the Cherokee Nation, under the same conditions imposed by the agreement between the Shawnees and Cherokees, concluded June 7, 1869, approved by the President June 9, 1869..... Provided, that the persons herein admitted shall pay to the Treasurer the sum of One Hundred and Ninety-five Dollars, the amount paid per capita by the Shawnees now citizens of the Cherokee Nation."

In the interim between the passage of the said act of admission and the payment of the Hundred and Ninety-five Dollars by Francis E. Chouteau, performing his rights as a Cherokee citizen

under said act, he married his present wife, Annie M. Chouteau, on November 20, 1883, and his two children, Francis E. Chouteau Jr., and Cyprian W. Chouteau, were born prior to their father's compliance with the terms of the act admitting him to citizenship in the Cherokee Nation.

From a careful reading of the act under which the principal applicant, Francis E. Chouteau, claims his right to enrollment, it will be seen that he was admitted to citizenship on a contingency or condition, which was that he should pay to the Cherokee Nation the sum of One Hundred and ninety-five Dollars before he should be entitled to the benefits accruing from the said act of admission. In other words, he did not become a full-fledged Cherokee citizen until he had paid the sum of money required to complete his rights, and this did not take place until September, 1889.

There is no question but what the said Francis E. Chouteau is entitled to enrollment as a citizen of the Cherokee Nation of Shawnee blood, but his wife and two older children could not acquire any rights to citizenship from him, for the reason that at the time of his marriage to his wife he was not a citizen of the Cherokee Nation, and could not confer intermarried rights upon his white wife; nor was he yet a citizen of the Nation at the date of the birth of his two older children, and they could not acquire any rights through their said father. The fact that Francis E. Chouteau afterwards perfected his right to citizenship does not relate back to the date of the passage of the act, for the act itself did not take effect nor operate upon his rights until he finally paid the sum of money required in that act.

"It is competent for a legislature to enact a law, the ultimate operation of which may, by its own terms, be made to depend upon a contingency. And the contingency may be some matter

on the part of the legislature of another state, or the result of a vote of the people of the locality to be affected by the law,---- Indeed, it makes no essential difference what the nature of the contingency is, so it be an equal and a fair one, a moral and a legal one, and so far connected with the purposes of the statute as not to be a mere idle or arbitrary one....." 23 Am. & Eng. Enc. of Law, p.221.

The case of the applicant is different from that of a Cherokee by blood who has been admitted to citizenship, or re-admitted, by reason of his Cherokee blood, without any condition or contingency attached; and the cases decided by the Cherokee Supreme Court wherein they held that a Cherokee man married to a white woman prior to the time of his admission confers citizenship or intermarried rights upon his white wife, are not applicable to a case like the present, for the reason that the principal applicant has no Cherokee blood, and was not admitted to citizenship as a Cherokee by blood, and if he had been married at the date of the passage of the act admitting him, his wife would have been admitted on exactly the same condition that he was, viz.' the payment of One hundred ninety-five dollars. The same would have been true of his children had they been born prior to the passage of said act. Not until he had complied fully with the terms of his admission did he have the standing and rights of a Cherokee by blood. Having no Cherokee rights at the time of his marriage he could not confer any rights upon his wife, and the same is true of his two children born prior to the fulfillment of the conditions attached to his admission.

The Commissioner, in the case of Charles B. Chadwick, and the Department, in the matter of [illegible] decided August 14, 1908, in the case of Charles B. Chadwick et al., held that the said Charles B. Chadwick, a former wife, brothers and sisters were

admitted by act of the Cherokee National Council upon condition that they pay the sum of One hundred ninety-five Dollars per head, and the same was paid for all except him, was not entitled to enrollment as a citizen of the Cherokee Nation of Shawnee blood, because no money had ever been paid for his admission.

It is submitted that Francis E. Chouteau and his youngest child, born subsequent to the perfecting of his admission, only, are entitled to enrollment, and that the wife of principal applicant and their two older children should be denied.

Respectfully submitted,

(signed) Tams Bixby.

Cherokee D-597.

TREASURY DEPARTMENT

CHEROKEE NATION IND TER.

Tahlequah, August 19, 1896.

This is to certify that Frances E. Chouteau, a Shawnee Indian, has paid in to the treasury of the Cherokee Nation the sum of one hundred and ninety-five dollars in accordance with the act of the National Council approved Dec. 6, 1880 as shown by the records in this office of date Sept. 17, 1889.

Given under my hand this the date and day first above written.

D.W.Lipe

(SEAL)

Treasurer, C. N.

By Robt. B. Ross, Secretary.

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Francis E. Chouteau, Francis E. Chouteau, Jr., Cyprian W. Chouteau, Karl P. A. Chouteau and Annie M. Chouteau as citizens of the Cherokee Nation.

Muskogee, [illegible] County, W. T. Kaufman.

May [illegible], [illegible].

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, hereby certify that the above and foregoing is a true and correct copy of the above as it appears on file in the office of this Commission.

Muskogee, I. T.,

April 6, 1906.

INDEXED.

COMMISSION TO FIVE TRIBES.

No.	Received
1901	MAY

MAY 6 1901

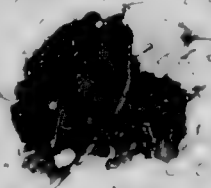
Choctaw Nation
Lenapah, I.T.
May 2-1901

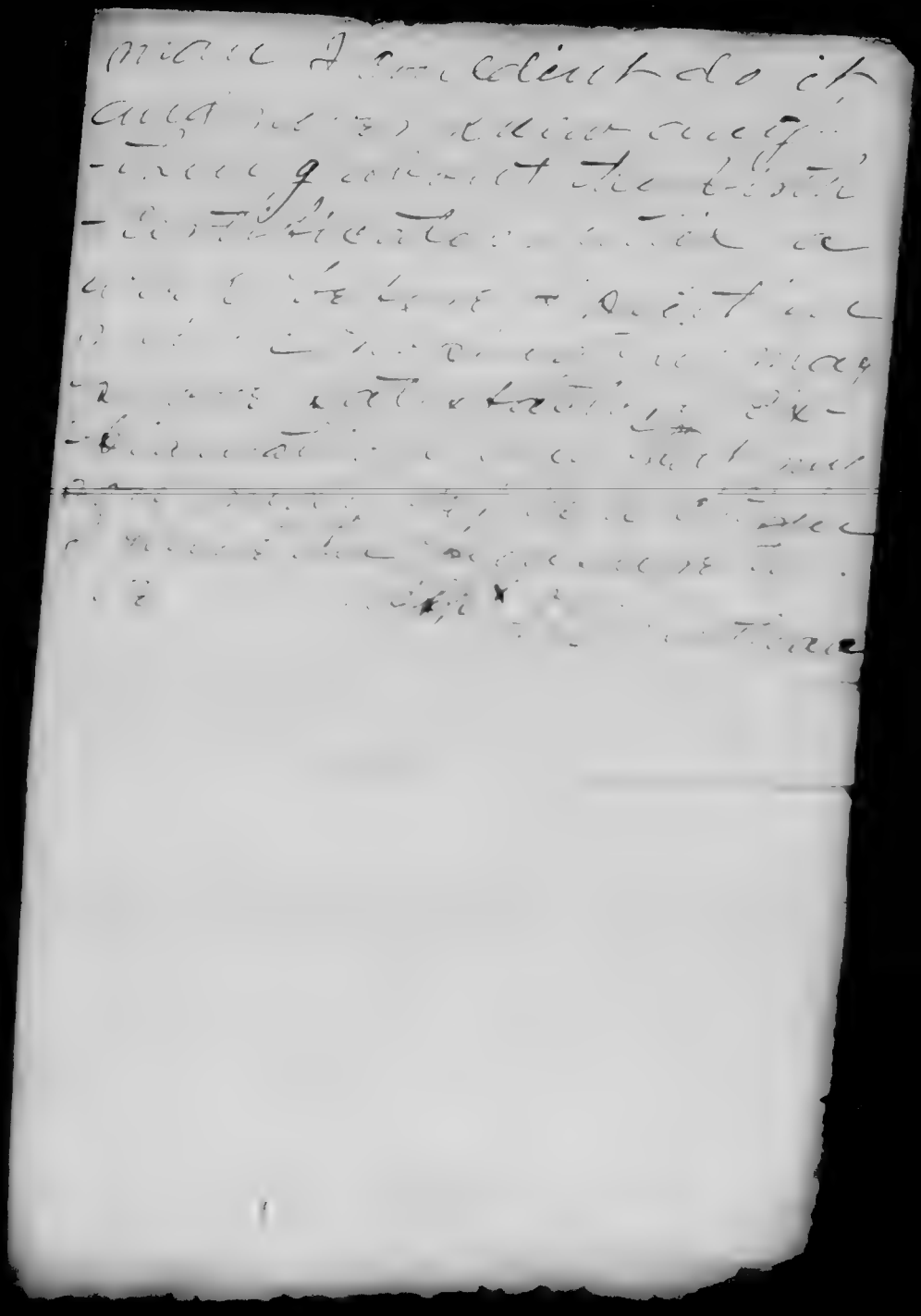
Relative to the enrollment of his child

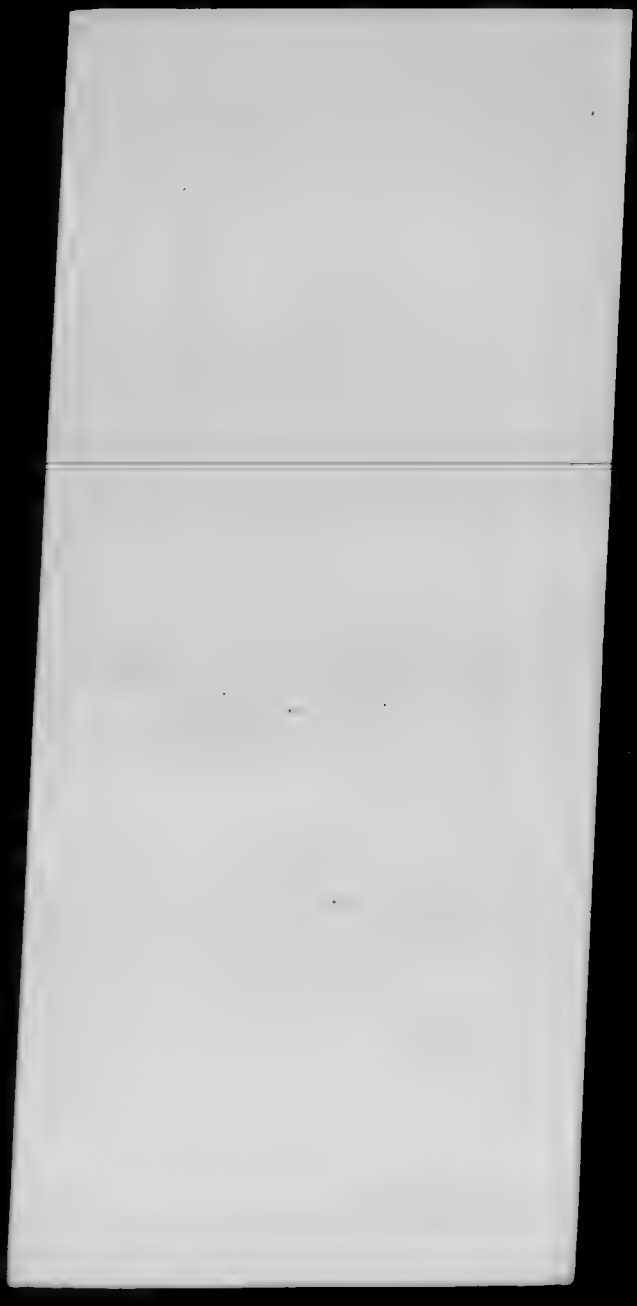
Lewistown N.Y.
Nov. 2.

Dr. Needles

Friend -







COMMISSIONERS:
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
J. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902.

Mr. Francis E. Chouteau,

Lenapah, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and three minor children for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

5th day of March, 1902,

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with marriage certificate to your wife Annie M.

Cherokee D-897
Register.

Commissioner in Charge.

Cherokee D-597.

Vinita, Indian Territory, March 31, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in Commission's letter of March 27, I have the honor to transmit herewith the jacket and duplicate records in the matter of the application of Francis E. Chouteau, et al, for enrollment as citizens of the Cherokee Nation, Cherokee D-597.

Respectfully,

Clerk in Charge.

Enc. C-162.
JOC.

COPY.

Cherokee D-597

Muskogee, Indian Territory, August 31, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 31, 1903, granting the application for the enrollment of Francis E. Chouteau for the enrollment of himself and his three minor children, Francis E. Chouteau Jr., Cyprian W. and Karl P. A. Chouteau, as citizens by blood of the Cherokee Nation. There is also enclosed the dissenting opinion of Chairman Wixby in this case.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

T. B. Needles

Res. D-607

Commissioner in Charge.

COPY.

Cherokee . 397

Muskogee, Indian Territory, September 11, 1903

Francis M. Choteau,

Lenapah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 31, 1903, rendered upon your application for the enrollment of yourself and your three minor children, Francis M. Jr., Cyprian W. and Earl . . Choteau, as citizens of the Cherokee Nation of Shawnee blood, together with a copy of the dissenting opinion signed by Chairman Dixon. There has heretofore been furnished your attorney, J. M. Kelly, Coffeyville, Kansas, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you or the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior

for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. D-12

COPY.

Cherokee D-597

Muskogee, Indian Territory, September 11, 1903

J. H. Keith,

Attorney for Francis E. Chouteau et al.,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 31, 1903, granting the application of Francis E. Chouteau for the enrollment of himself and his three minor children, Francis E. Jr., Cyprian W. and Earl F. A. Chouteau, as citizens of the Cherokee Nation of Shawnee blood, together with a copy of the dissenting opinion signed by Chairman Dixby. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior

for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. 1-11

COPY.

Cherokee D-597

Muskogee, Indian Territory, September 11, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Francis E. Choteau for the enrollment of himself and his three minor children, Francis E. Jr., [illegible] and Ethel F. A. Choteau, as citizens of the Cherokee Nation of Cherokee blood, in claiming the Commission's decision dated August 21, 1903, granting said application and two dissent ng opinions rendered by Chairman Dixby.

We are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Chairman.

The
Commissioner of Indian Affairs.

FWM. JP . LMS.

D.C. 35172.

I.T.D. 8804-1903. DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 18, 1903.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for the enrollment of Francis T. Chouteau and his minor children, Francis T. Chouteau, Jr., Cyprian T. Chouteau, and Karl F.A.Chouteau, as citizens of the Cherokee Nation of Shawnee blood, submitted with your letter of September 11 and Indian Office letter of December 16, 1903.

It appears that Annie T. Chouteau, wife of the principal applicant, was also an applicant for enrollment as a citizen by intermarriage, but her application is not passed upon at this time.

It appears that the principal applicant, Francis T. Chouteau, was admitted to citizenship in the Cherokee Nation by an act of the National Council, approved by the principal Chief December 4, 1880, upon proof of fifteen

[illegible] Francis T. Chouteau and Cyprian T. Chouteau, Jr., were born in the Cherokee Nation and are entitled to all the rights and privileges of other Cherokee citizens, and the rights of the Shawnee tribe over the land conferred by the agreement between the Shawnee and Cherokee tribes ratified June 7th, 1872, accepted by the Shawnees June 27, 1872.

The Department directs that Francis T. Chouteau be and he is hereby admitted to all the rights and privileges of other Cherokee citizens, and that the names of the said Francis T. Chouteau and Cyprian T. Chouteau, Jr., be placed upon the rolls of the Cherokee Nation as citizens of the Shawnee tribe, and that the names of Karl F.A. Chouteau and [illegible] be placed upon the rolls of the Cherokee Nation as citizens by blood of the Shawnee tribe.

The names of all the children born to Francis T. Chouteau and wife subsequent to the date of the application herein and not herein specifically

In a decision, without date, by Commissioners Needles, Breckinridge and Stanley, it was held that all the applicants are entitled to enrollment.

August 31, 1903, Commissioner Tibbey held that Francis M. Chouteau and Karl F.A.Chouteau were entitled to enrollment, but Francis W.Chouteau Jr. and Cyprian W.Chouteau were not so entitled, and that their names were upon the 1896 roll without authority of law.

It is shown, as stated in the decision of the majority of the Commission, that the principal applicant, a Shawnee Indian, on September 17, 1869, paid into the treasury of the Cherokee Nation the $131, in accordance with the act of 1869, admitting him to citizenship. Your Commission held that by this payment he perfected his right to citizenship.

The principal applicant was married in the State of Illinois to the mother of his children, in 1855. The two eldest children were born prior to the father's compliance with the terms of admission to citizenship. The evidence shows that the principal applicant was in the Cherokee Nation for many periods prior to 1896, that in that year he and his family removed to the Cherokee nation, and have resided there since. [illegible] brief, counsel for Chouteau [illegible] for dismissal from the decision of the majority [illegible] and have not. It is stated that it is error in the said cases that the principal applicant failed to exercise any of the rights of citizenship as a consequence of residence, and that he should not [illegible] the Cherokee Nation the sum of $1.00

before he would be entitled to the benefits accruing from said act of admission; that in other words, he did not become a full-fledged citizen until he had paid the sum of money required to complete his rights, which did not take place until September, 1889. While conceding the right of Francis E. Chouteau to enrollment as a citizen of the Cherokee Nation of Shawnee blood, he contends that the two oldest children could have acquired no rights of citizenship through him, for the reason that at the time of his marriage to his wife, in 1883, he was not a citizen of the Cherokee Nation, and could not confer intermarried rights upon his white wife; nor was he a citizen of the Nation at the date of the birth of his two oldest children, and they could have acquired no rights through their father; that the fact that the principal applicant afterwards perfected his rights to citizenship does not relate back to the date of the passage of the act, for the act itself did not take effect nor operate upon his rights until he finally paid the sum of money required in that act.

The Nation transmits its attorney's protests against your decision, basing its protest practically upon the same grounds taken by Commissioner Tibbles.

The Commissioner of Indian Affairs transmits to your decision in favor of all the applicants. He states that

"The principal applicant became a citizen of the Cherokee Nation when admitted in 1883, but his rights to citizenship did not vest until he had complied with the provisions of the act which he did not do until 1889."

that he believes that the payment of the $300 in 1889 should be held to relate back to the date of the act of admission, and he recommends

that the decision of the majority of the Commission declaring all the applicants entitled to enrollment as citizens of the Cherokee Nation, be approved. A copy of his letter is inclosed.

The Department concurs in his recommendation. From the language of the act of 1880, it is apparent that Chouteau may have been in default, within the meaning thereof, yet before he could be divested of his citizenship rights conferred by said act, a forfeiture must have taken place. This did not happen. On the contrary, the Nation has accepted the consideration money, and his name and the names of his children, then born, have been placed upon the roll of 1896. Chouteau's rights, therefore, reverted to the date of his admission, and conferred citizenship rights upon all of the applicants affected by your decision. Your decision is accordingly hereby affirmed.

In regard to Louis V. Chouteau, the decision is reversed. It is requested that you inform the Department if it is contemplated to ask that the record should be returned, in order that you may render a decision as to any rights he may have in the land.

Respectfully,

Signed Thos. Ryan,

Acting Secretary.

1 Inclosure.

Refer in reply to the following:
Land. 58779-1903. (COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON, Dec. 12,1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Commission to the Five Civilized Tribes, dated September 11, 1903, transmitting the record relative to the application of Francis W.Chouteau for the enrollment of himself and his two minor children, Francis W.,Jr., Cyprian T. Choteau, as citizens of the Cherokee Nation, of Delaware blood.

Subsequent to the date of the original application the Principal applicant also applied for the enrollment of Earl T. Choteau, who was born after the date of said original application. This minor applicant is properly identified by a birth affidavit.

In the Commission's opinion it is proper that Earl T. Choteau should also be enrolled as a citizen of the Cherokee Nation, in accordance with the recommendation contained in the Commissioner's letter.

In an opinion rendered a majority of the Commission, Mr. Tully McCrea dissenting, Breathitt and Clifton held that all of these applicants were entitled to enrollment as citizens of the Cherokee Nation, and Commissioner Tarsney, in a dissenting opinion, dated August 31, 1903, held that Francis W.Choteau, the principal applicant, and Earl T. Choteau, were entitled to enrollment and that Francis W. Choteau, Jr., and Cyprian T. Choteau were not

entitled to enrollment and that their names were upon the 1896 census roll without authority of law. He considers that their application should be denied.

The record in this case shows that Francis N.Chouteau is a Shawnee by blood and that he was admitted to citizenship in the Cherokee Nation by an Act of the National Council approved December 6, 1895, upon condition that he pay to the Treasurer of the nation the sum of $195. It appears that this amount was not paid until September 17, 1899. Annie V. Chouteau is a white woman. She and Francis N. Chouteau were married November 20, 1897, and the minor children above mentioned are the issue of that marriage. The principal applicant removed to the Cherokee Nation in 1895 and has since resided there.

The Cherokee Nation, by its attorneys, protested against the decision of the majority of the Commission. Mr. Hixby bases the position that as the principal applicant did not pay the $195 until [illegible] they are not entitled to enrollment and that the rights of the principal applicant cannot be said to have vested prior to the [illegible] to enrollment.

The law [illegible] the principal applicant to citizenship is

[illegible]

Be it further enacted that Joseph Flint a Shawnee Indian be and he is hereby admitted to all the rights and privileges of other Shawnees residents in the Cherokee Nation and citizens of the same on the same condition imposed by agreement between Shawnees & Cherokees concluded June 7th, 1869, Provided that the persons herein admitted shall pay to the treasurer the sum of one hundred and ninety-five dollars, the amount paid per capita by the Shawnees now citizens of the Cherokee Nation. (Tahlequah C.N.) Dec. 2nd, 1880.
J.L.Springston, Clerk Senate. C.H.Benge, Prest. Senate.
Concurred in by Council Dec: 4th, 1880.
D.B.Hicks, Clerk Council Ose Hair, Speaker Council.
Approved Dec. 6th, 1880
D.W.Bushyhead
Principal Chief."

Recently Hon. William C. Cowherd, U.S., filed in this office what appears to be a copy of a receipt, dated November 27,1880. The receipt is as follows:

"Tahlequah, C.N. November 27th, 188[illegible].

"Received of Francis N. Chouteau, the sum of Five Hundred and sixty-"eight ($568.00) Dollars, which sum is placed in my hands to pay the "Treasurer of the Cherokee Nation in case the National Council admits "Francis N.Chouteau, & Frederick L. Chouteau, as citizens of the Chero-"kee Nation, with the understanding that if the parties are not ad-"mitted the money is to be returned to Francis N. Chouteau.

"[illegible] C. N. Will, Att'y."

Mr. Cowherd intervewed the office last [illegible], was shown said receipt, was informed that Francis N. Chouteau, and that said Will was also [illegible] as citizens of the Cherokee Nation.

There is no question but that all of these applicants are of Shawnee blood and the right of Francis N. and Frederick L. Chouteau to enrollment seems to stand on exactly the payment of $195 in 1880 relative [illegible] to the date of the approval of the act admitting the principal applicant to citizenship, which was December 6, 1880. The other applicants became citizens of the Cherokee Nation when ad-

mitted, but his rights to citizenship did not vest until he had complied with the provisions of the act which he did not do until 1889. The two applicants rejected by the Chairman of the Commission are minors, and they are of Shawnee blood. Their names appear on the 1896 census roll.

The office believes that said payment should be held to relate back to the date of the act of admission, and the attention of the Department is respectfully invited to letter of November 9, 1907, -- I.T.D. 3484-- in the Mary Crittenden case, in which the 1896 census roll is discussed.

In view of the foregoing it is respectfully recommended that the decision of the majority of the commission declaring these applicants entitled to enrollment as citizens of the Cherokee Nation, of Shawnee blood, be approved, and that the minority decision entered in two of the applications be disapproved.

Very respectfully,

[illegible],

Commissioner.

A.C.T.

Muskogee, Indian Territory, January 5, 1904.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 18, 1903 (I. T. D. 8804-1903), in which the Department asks to be advised if the record in the case of Francis E. Chouteau et al., should be returned to the Commission, for the preparation of a decision as to the intermarried applicant.

The Commission desires to state that it does not wish this record returned at this time.

Respectfully,

Chairman.

Cherokee D-597.

Muskogee, Indian Territory, January 5, 1904.

Francis E. Chouteau,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated August 31, 1903, granting your application for the enrollment of yourself and your three minor children, Francis E. Jr., Cyprian W. and Karl F. A. Chouteau, as citizens of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on December 18, 1903.

Respectfully,

Chairman.

Cherokee D-597.

Muskogee, Indian Territory, January 5, 1904.

J. H. Keith,

Attorney for Francis E. Chouteau et al.,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision, dated August 31, 1903, granting the application of Francis E. Chouteau for the enrollment of himself and his three minor children, Francis F. Jr., Cyprian W. and Karl F. A. Chouteau, as citizens of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on December 18, 1904.

Respectfully,

Chairman.

Cherokee D-597.

Muskogee, Indian Territory, January 5, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated August 31, 1903, granting the application of Francis E. Chouteau for the enrollment of himself and his three minor children, Francis E. Jr., Courian W. and Karl F. A. Chouteau, as citizens of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on December 18, 1903.

Respectfully,

[illegible].

Cherokee
D-597.

Muskogee, Indian Territory, December 7, 1906.

Annie M. Chouteau,

Lenapah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 31, 1903, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 26, 1906.

Respectfully,

JMH

Acting Commissioner.

Cherokee
D-597.

Muskogee, Indian Territory, December 7, 1906.

J. H. Keith,
Attorney for Annie M. Chouteau,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 31, 1903, rejecting the application of Annie M. Chouteau for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 26, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. M-60
JWM

Acting Commissioner.

Cherokee
D-697.

Muskogee, Indian Territory, December 7, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 31, 1903, rejecting the application of Annie M. Chouteau for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 26, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. M-61.
JWM

Acting Commissioner.

(COPY)

D.C. 52124 - 1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHR.

I.T.D. 8804-1903.
248-1904.

November 26, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of December 18, 1903, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Annie M. Chouteau as a citizen of that nation by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of Annie M. Chouteau is denied.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

6 inc. to Ind. Of.

D.C. 52124 1906. (COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land.
1836. - 04. WASHINGTON. Jan. 14, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 18, 1903 (I.T.D. 8804), there is inclosed herewith a report, dated January 5, 1904, from the Chairman of the Commission to the Five Civilized Tribes, in which it is stated that in the opinion of the Commission the record relative to the application of the wife of Francis E. Chouteau for enrollment as an inter-married citizen of the Cherokee Nation, should not be returned to the Commission at this time, for the reason that applicants for enrollment as inter-married Cherokees are not now being disposed of and probably will not until after the Court of Claims shall have made finding and rendered an opinion upon the questions submitted to it by the Department February 24th last.

Very respectfully,

A. C. Tonner,

DAW CFC. Acting Commissioner.

2 inclosures.

Cher R 1132

Trans from Cher D-600

Cher R 1132

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 16, 1900.

In the matter of the application of Squire Lincoln Purcell for the enrollment of himself as a Cherokee of Shawnee blood and his wife as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your full name? A Squire Lincoln Purcell.
Q How old are you? A 32.
Q What is your post office? A Nowata.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Do you want to,enroll yourself and family? A Yes, sir.
Q You have a wife? A Yes, sir.
Q How many children? A No children at all.
Q Are you a Cherokee by blood? A I am a Shawnee.
Q What is your wife? A A White woman.
Q How long have you lived in the Cherokee Nation? A I have lived here 30 years.
Q Give me the name of your father? A R. W. Purcell
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Her present name is Harriett Ross.
Q Is she dead? A No, sir.
Q Give me the name of your wife? A Lula Margaret.
Q How old is she? A She is 27.
Q When were you married to her? A I was married in 1895.
Q Have you a certificate of your marriage? A Yes, sir.
(The applicant presents a license issued by the Clerk of the United States Court, First Judicial Division, Indian Territory, on February 11, 1893, authorizing marriage between himself and Lula [illegible]. Allen. The certificate shows that they were united in marriage by the Rev. D.N. Allen on the 26th of the same month and presumably in the same year, but the figure for the year isn't filled out. These documents are of record March 28, 1895. They are filed herewith.)
Q You and your wife live together and in the Cherokee Nation ever since your marriage? A Yes, sir.
Q Was your wife ever married except to you? A No, sir.
Q Though ever married except to you? A She was married.
Q That was the name of her former husband? A Allen.
Q Was he a white man or a Cherokee? A He was a white man.
Q Was he dead when she married you? A He was supposed to be.
Q Had she ever been divorced from him? A She had been divorced.
Q Have you got a copy of the decree? A No, sir.
Q Give me his full name? A Robert Allen as near as I know.
Q When was your wife married to him? A I can't say.
Q When did she quit living with him? A About 1890.
Q Where were they married? A At Atchison, Kansas.
Q Where do you think your wife procured the divorce from him? A At that place.

[Squire Lincoln Purcell on 1880 roll, page 189, No. 2848, Lincoln Purcell, Cooweescoowee district, adopted Shawnee; on 1896 roll, page 148, No. 289, Squire L. Purcell, Cooweescoowee district. Lula M. Purcell on 1896 roll, page 350, No. 811, Lula M. Purcell, Cooweescoowee district.]

The applicant [illegible] the enrollment of himself and wife. He is identified on the rolls of 1880 and 1896 as an adopted Shawnee. He states that he has lived in the Cherokee Nation for thirty years, and he will be bound over for enrollment as an adopted Shawnee. His wife is shown to have married him in 1895. She is identified with him on the roll of 1896. He states that she has lived in the Cherokee Nation ever since her marriage, that she was married before, and states that his wife was divorced from her former husband before he married

Squire Lincoln Purcell - No

ber. The application for the enrollment as a Cherokee by adoption will be placed [illegible] agent to enroll the copy of the decree of divorce in the [illegible] marriage, and also the point is made by the [illegible] of the Cherokee Nation [illegible] applicant, [illegible] that he cannot [illegible] a white man, and that although he is by the [illegible], he is a member of an exclusively white family and [illegible] the Cherokee Nation with its [illegible], and become enrolled as a Cherokee. This point also will be taken under advisement, and the final decision of the Commission will be communicated to the applicant at his post office address.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the foregoing case and the above is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 18th of October, 1900.

[signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 16 1900

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 1[illegible] 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District COOWEESCOOWEE Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Name of Children

	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
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	Year	Page	No.	Age
	Year	Page	No.	Age

P. O. Nowata, I. T.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Filed Oct. 16, 1900.

Tams Bixby Acting Chairman.

Filed Mar 25, 1896
Marshall L. Bragdon.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District
First Judicial Division
} ss.

I, Marshall L. Brugdon, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 29th day of March 1893, at 8 A M, and duly recorded in Book B, Marriage Record, Page 432

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 26 day of March A D 1893

M. L. Brugdon Clerk

By Deputy

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, I. T.,

MARRIAGE LICENSE.

United States of America,
INDIAN TERRITORY.
~~Northern District.~~
First Judicial Division. } ss.

No. 396

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr Squire L. Purcell, of Nowata, in First Div. the Indian Territory, aged 24 years, and Miss Lula M. Allen, of Nowata First Div. in the Indian Territory, aged 19 years, according to law and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 11th day of February A D 1893

Marshall L. Bragdon
Clerk of the U S Court

By C. H. Mason Deputy

CERTIFICATE OF MARRIAGE.

United States of America,
[illegible]
First Judicial Division } ss.

I D. N. Allen, [illegible] Clerk of the United States Court [illegible] do hereby certify that on the 11 day of February A. D. 189 I [illegible] joined in marriage [illegible] in the foregoing license mentioned the Rite and published the Bans of Matrimony between the within named parties.

In TESTIMONY whereof I have hereunto set my hand this 26th day of February A. D. 89

My credentials are recorded in the office of the Clerk of the United States Court within the First Judicial Division
Territory Northern District, Book A Page 28

D. N. Allen
A Minister of the Gospel

IN THE DISTRICT COURT OF ATCHISON COUNTY KANSAS.

Lulu M. Allen,
Plaintiff
vs
Robert R. Allen,
Defendant.

Dec. 8th. 1892 Death of defendant suggested and case stricken from Docket.

State of Kansas,)
) ss
County of Atchison)

I C.E. White Clerk of the District Court, within and for the County of Atchison, and State of Kansas, do hereby certify the above and foregoing to be a full, true and complete copy of the entry made in the Trial Docket for the September 1892 term of said Court, as fully as the same remain of record in my office.

C.E. White
Clerk of the District Court.

R

C. D-600

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Lula M. Purcell for enrollment as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 5th day of March,1902, and that she could on said date appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting her application. She was also notified to supply the Commission with a certified copy of the decree of divorce between herself and her former husband, Allen. Receipt has been acknowledged of the Commission's letter. The applicant having been called three times, and failing to respond, either in person or by attorney, it is directed that the case be closed and same reported to the Commission for final decision based upon the evidence now of record.

--

I,M.D.Green, do hereby certify, that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

FILED
FEB 23 1905
COMMISSION TO FIVE TRIBES.

Cherokee D-600.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 21, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of LULA L. PURCELL as a citizen by intermarriage of the Cherokee Nation.

SQUIRE L. PURCELL, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Squire L. Purcell.
Q What is your post office address? A Adair.
Q Are you a Cherokee by blood? A Shawnee by blood.
Q What is your wife? A White woman.
Q She claims no rights as a Cherokee by blood? A No sir.
Q Claims by intermarriage? A Yes sir.
Q When were you married to her? A 1893.
Q Where? A Pin Oak.
Q Where are your license? A They are on file.
Q Is Pin Oak in the Cherokee Nation? A Yes sir.
Q Have you and she lived together ever since? A Yes sir.
Q No separation, abandonment or divorce? A No sir.
Q Is she your first wife? A Yes sir.
Q Are you her first husband? A No sir second.
Q What was the name of her former husband? A Robert Allen.
Q Was he dead when you married her? A Yes sir.
Q Have you and she lived together as husband and wife in the Cherokee Nation ever since marriage? A In the Cherokee Nation with the exception of a short time in Texas.
Q Where were you at that time? A In Texas.
Q What were you doing there? A For the benefit of our health.
Q Is she living now? A Yes sir.

Sworn to before me this 21st day of February, 1905.

Notary Public.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902.

Squire Lincoln Purcell,

Nowata, Indian Territory,

Sir:-

You are hereby notified that the application of Lula M. Purcell

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 5th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of divorce of Lula M. Purcell from her former husband Allen.

Cherokee D-630

Register.

Commissioner in Charge.

Cherokee D-600

Muskogee, Indian Territory, March 19, 1902.

J. A. Tillotson, Esq.,

Attorney at Law,

Nowata, Indian Territory,

Dear Sir:-

The Commission is in receipt of your letter of March 13, stating that you will obtain and forward to the Commission as soon as possible, a certified copy of the divorce obtained by Mrs. Lula Purce.l from her former husband.

You are advised that on March 5, the date set for the final hearing of this application, the same was passed and there being no appearance the evidence was deemed completed. However, you are requested to supply the Commission with a certified copy of this divorce at the earliest possible date and the question of this case will be considered.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON C. AYLESWORTH, SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-600.

Muskogee, Indian Territory, October 8th, 1902.

Lula M. Purcell,

Nowata, Indian Territory.

Dear Madam:

The Act of Congress, approved July 1, 1902, and entitled "An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," (Public No. 241), provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is finished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,

Acting Chairman.

REFER IN REPLY TO THE FOLLOWING

Cherokee No.
D. 600

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

Lula M. Purcell,

Allawee, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Incl. Decn. D

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment of citizens by intermarriage of the Cherokee Nation of James Watson et al

DECISION

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah F Hart	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Roxie Shepard	1128
Robert G Lain	1136
William Hall	1137
[illegible]	1141
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Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T Jones	2501
Sarah L Mattox	2502
William J Shoemaker	2506
Maud Baldridge	2511
James I Townsend	2513
George L Morgan	2568
Andrew A Rose	2575
Louis K Lee	2623
James I Mitchell	2644
Marcus L McNew	2657
Minnie F Eggleston	2658
Effie M Gee	2850
Anna M Hunter	2854
Annie Moore	2878
Orrie Stalcup	2880
Emma C Lee	2881
William Rogers	2882
William A Mann	2883
Samuel A Richardson	2884
Timothy L Hall	2885
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Thomas S Hunt	3437
William M Richardson	3444
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James R Fugate	4275
Maud Adams	4277
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Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodsell	5356
Charles Horton	5390
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Amelia Reese	6033
Alexander West	6036
John Tootle	6037
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Jane Benge	6111
John D Read	6113
John C DeLozier	6117
Jesse Wilk	6118
Mary A Clark	6124
Mary J Eaton	6126
Leonard Newton	6136
W A Qua	6138
Hermenia E Th	6144
Hugh L Wa	6163
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William H Winget	6376
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George A McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O Ames	6394
Thomas Wilkerson	6396
Alice C Springston	6407
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Mark F Matheson	6428
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Laura Fish	6770
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Dora A McDonald	6783
Rosia B Willis	6785
Daniel Hubbard	6787
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Frances M Cornett	7163
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Stephen Duncan	9892
Gideon D Sleeper	9895
Wilham A Maddin	9896
John H Horton	9904
Howe L Rogers	9905
Wilham Rush	9912
George W Edens	9916
William H Hall	9920
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Levi Ackley	10132
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Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Coater	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kidds	D	108
Henry C. Agent	D	139
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Manuel Spencer	D	884
Benjamin H Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N Gunn	D	974
Hannah Parson	D	989
Nellie C Helterbrand	D	1003
Thomas J Welch Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M Jones	D	1022
Reuben A Evans	D	1052
Carrie H Cobb	D	1059
John M Rees	D	1060
Sarah F Hewson	D	1078
Laura D Hewson	D	1080
Hettie E Donelson	D	1084
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Arthur Wilson	D	1088
Guy H Mercer	D	1089
Reuben W Vann	D	1090
Chas Gibbs	D	1091
Jesse Hughes	D	1092
Thomas D Cole	D	1093
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Christian Jones	D	1095
Lawrence Powell	D	1096
Martha J Mercer	D	1097
Samuel A Mercer	D	1098
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James H Hughes	D	1101
Frank Gibbs	D	1102
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Paul Jones	D	1104
Jesse P Hughes	D	1105
Benjamin F Hughes	D	1106
Lucy E Gibbs	D	1107
Ben Jones	D	1108
William Jones	D	1109
Thomas Mc Jones	D	1110
Albert Jones	D	1111
Wesley Jones	D	1112
Ella Vann	D	1320
Lunnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G Mills	D	1337
Alfred H Wood-	D	1342
Cordelia Winterkiller	D	1352
Susie McSpadden	D	1361
Martha J Houston	D	1363
Samuel M Colgan	D	1367
Kate Cayce	D	1369
Joseph H Watson	D	1375
Mattie Moore	D	1433
S. L. Moore	D	1434
Addie Schoonover	D	1448
Carrie Vogt	D	1458
M Woodward	D	1474
C. W.	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]

Herbert F Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank I Dandurand	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lapsey	D	2717
Bertha Landrum	D	2718
Lula More	D	2722
John D Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nauffer	D	2730
Richard Nichols	D	2741
William S Ross	D	2738
[illegible]	D	2739
[illegible]	D	2740
[illegible]	D	2741
[illegible]	D	2745
[illegible]	D	2744
[illegible]	D	2748
[illegible]	D	2749
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]

Luc Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Leha C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Juhan Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E Thornton	D	3183	Dora Crane	R	628
Minnie Thompson	R	4	Andrew Sitrell	R	642
Jennie G Thompson	R	5	John Sitrell	R	642
William F Kelly	R	10	Lillie May Wilson	R	643
Anne Leavell	R	19	Ollie A Barger	R	656
Rosetta McLaughlin	R	41	Ida Hawkins	R	671
Martha A Perdue	R	45	Lizzie Davis	R	761
Gertrude L Payne	R	61	Clara M Emmons	R	803

Cherokee D 600

Muskogee, Indian Territory, March 14, 1907.

Lula M. Purcell,

Adair, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
6 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-190
LBC

Cher R 1133

Cher R 1133

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 16 1900

COOWEESCOOWEE.
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 16 1900 1900.

Name 39 Lewis Estes Alluwee D.

District COOWEESCOOWEE. Year 1896 Page 303 No. 331

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Cherokee Date of marriage Jan, 1896

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Filed OCT 16 1900 Certificate Filed OCT 16 1900

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

Doubtful as to husband Ben Estes.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October, 16th 1900.

In the matter of the application of Lorena T. Estes, for the enrollment of herself and husband as Cherokee Citizens. She being duly sworn before the Commission testified as follows-

What is your name? A. Lorena T. Estes.
Q How old are you? A. 34.
Q What is your post office? A. Allowee.
Q Do you live in Choweescoowee district? A. Yes sir.
Q Who is that you want put on the roll? A. Myself and husband.
Q Any children? A. No sir.
Q Are you a Cherokee by blood? A. Deleware.
Q What is your husband? A. White.
Q How long have you lived in the Chrokee Nation? A. Ever since '7[illegible]
Q Gibe me the name of your father? A. Nelson J. Tanner.
Q Is he dead or alive? A. Dead.
Q Give me the name of your mother? A. Rachel A. Tanner.
Q. Is she dead? A. Yes sir.
Q Were you ever married except to your present husband? A. Yes sir.
Q More than once before this? A. No sir only once before.
Q What was your first husbands name? A. Adolph Zubar.
Q What was he, a white man? A. Yes sir.
Q Is he dead? A. I cannot tell you that.
Q When were you married to him? A. In 1884.
Q How long did you live with him? A. 3 months.
Q Did you get a divorce from him? A. Yes sir.
Q Have you a copy of the decree of divorce? A. No sir.
Q Are you on the 1880 roll? A. Yes sir.
Q What name have you on that roll? A. Tanner.
Q Give me the name of your present husband? A. Benjamin Estes.
Q How old is he? A. 39.
Q Have you your marriage license and certificate? A. Yes sir.
Q Let me see them.
The [illegible] present a marriage license xxxxxxxxxxxx issued by the clerk of [illegible] district [illegible] 1886, authorizing the marriage between herself as Mrs. Lorena Tanner and Mr. B. F. Estes. The certificate shows that they were united in marriage on [illegible] by the Rev. James T. Dodd. These papers are filed herewith.
Q Did your husband ever tell you he was married to you? A. Yes sir.
Q To whom was he married first? A. I don't know the lady she was of Arkansas town.
Q Then was he married to her? A. I [illegible] him.
Q You are dead of him that he married you? A. Yes sir.
Q Had they ever been divorced? A. No sir.
Q Had death xxxxxxxxx terminated their marriage? A. No sir they had been separated but she had died a year before we were married.
Q Is your husband here? A. Yes sir. He is somewhere round here.
Q Is this your husband? A. Yes sir.
[illegible] Page 148, No. 2644, [illegible] Tanner, Choweescoowee, Dist. [illegible]
[illegible] " " 2647 Rachel A. Tanner "
[illegible] " " 2648 Ben Estes, "

Q Has [illegible] ever told you that you were married to him? A. Yes sir.
Q And you have both lived in the Cherokee Nation since then? A. Yes sir.

[illegible] was called as a witness, sworn before the Commission and testified as follows-

Q What is your name? A. Ben Estes.
Q How old are you? A. 39.
Q Are you the husband of Mrs. Lorena Estes, who was just [illegible]

Morena T. Estes 2.

Q Were you ever married prior to your marriage to her? A. Yes sir.
Q To whom were you married the first time? A. To Miss Jennie Music.
Q Where were you married to h r?A Arkansas.
Q What part of Arkansas? A. Marionville
Q When were you marriev to her? A. I dont remember the exact date
Q Is she dead? A, Yes sir.
Q When did she die? A. 1883
Q Did you and she live together as man and wife until her death?
A No sir.
Q There did she die, in Marrion County? A. Yes sir.

By the Applicant by Commissioner Breckinridge—

Q You say that you have not a copy of the proceedings for divorce or of the decree of the divorce from your first husband? A. No sir.

The applicant applies for the enrollment of herself and husband. She is identified on the rolls of 1880 and 1896 as an adopted Delaware. She has lived in the Cherokee Nation for the past 26 years and she will be listed now for enrollment as an Adopted Delaware. Her husband is shown to have married her in accordance with the laws of the Cherokee Nation in the year 1886; he appears during the progress of this application and they both testify that they have lived together and in the Cherokee Nation ever since their marriage. He is identified on the roll of 1896. He was previously married and states that his wife was dead when he married his present wife, the applicant herein. Applicant was married before she married her present husband and states that she had been divorced from her first husband, but does not produce satisfactory evidence as to her divorce, and the right of her present husband to enrollment will depend upon the establishment of a proper divorce between the applicant and her first husband. His application therefore will be passed as a doubtful card, he being classed as a citizen by intermarriage, to await the production of a decree of divorce between the applicant and her first husband.

[illegible] Weir being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the testimony in the above entitled cause and that the foregoing is a true, correct and complete transcript of the testimony taken before the Commission.

Subscribed and sworn to before me this the 16th day of October, 1901.

[illegible]

"R"

Cherokee D 603

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Ben Estes for the enrollment of himself as a Cherokee citizen.

Appearances:
E.B.Lawson, Nowata, I. T., attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March,1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 5th day of March,1902, appears by his attorney, E.B.Lawson, Nowata, Indian Territory.

WILLIAM NAIRN, being first duly sworn, and being examined testified as follows:
BY MR. LAWSON:
Q What is your name? A William Nairn.
Q Where do you live? A Coody's Bluff, Indian Territory.
Q Were you acquainted with Lorena Zubarr, now Lorena Estes?
A Yes sir.
Q Were you acquainted with Adolph Zubarr? A Yes sir.
Q Were you present in court when Lorena Zubarr and Adolph Zubarr case came up for trial? A Yes sir.
Q Where was it tried? A Claremore.
Q Do you know whether there was a divorce granted? A Yes sir.
Q Who sued for the divorce in that case? A Mrs. Lorena Zubarr.
Q And the divorce was granted on her petition then? A Yes sir.
BY MR. HASTINGS:
Q Is that the present wife of Ben Estes? A Yes sir, the present wife of Ben Estes.
Q This divorce granted before she and Estes married? A Yes sir.
Q You know that? A Yes sir.
BY COMMISSION OF MR. LAWSON: Do you, in behalf of the applicant, submit the case? A Yes sir.

BY COMMISSION The attorney for the applicant in behalf of the applicant and the attorney for the Cherokee Nation on behalf of the Cherokee Nation submit the case, same is ordered closed and reported to the Commission for final decision, based upon the evidence now of record.
The attorney for the applicant files brief, in the case, one with the Commission and one copy with the attorney for the Cherokee Nation.

I, [illegible], do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 30th, 1902.

In the matter of the application of Ben Estes for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-603.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

BEN ESTES, being duly sworn, testified as follows:--
Examining by the Commission.

Q. What is your name? A. Ben Estes.
Q. What is your post office? A. Nowater.
Q. AHow old are you at this time? A. 41.
Q. Are you the same Ben Estes for whom application was made October 16th, 1900, to this commission for enrollment a s an intermarried citizen? A. Yes, sir.
Q. What is your wife's name? A. Lorena.
Q. Is she a citizen of the Cherokee Nation by blood? A. No, sir; she is Delaware.
Q. Citizen of the Cherokee Nation of Delaware blood? A. Yes, sir.
Q. When were you and she married? A. '84.
Q. Were you ever married previous to your marriage to her?
A. Yes, sir.
Q. How many times? A. Once.
Q. Was that wife living or dead? A. Dead.
Q. Was she ever married previous to her marriage to you?
A. Yes, sir.
Q. How many times had she been married? A. Once.
Q. Was that husband living or dead? A. Living.
Q. Living? A. Yes, sir, the last time I heard of him 7 or 8 years ago.
Q. Were they divorced? A. Yes, sir.
Q. Have you filed a decree of divorce? A. I sent witnesses down here. Mr. Dawson, he got all the papers.
Q. You have never been separated? A. No, sir.
Q. You were never married to any other woman since your marriage to this woman? A. No, sir.
Q. Were you living together as husband and wife on the first of September, 1902? A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. 18 years.
Q. All the time for the last 18 years? A. Yes, sir.
Q. How long has your wife been here? A. Ever since the Delawares came to this country. I don't know how long.
Q. Has she lived in the Cherokee Nation since 1880 up to the present time? A. Yes, sir.
Q. Never lived any where else since 1880? A. No, sir.
Q. How many children have you? A. None at all.
Q. Your wife is living at this time, is she? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 16th day of October, 1902.

B C Jones

Notary Public.

Cherokee-D- 603

R GULAR TERM OF THE CIRCUIT COURT CO'VENED ON THE 12th day of May 1885, Judge G. W. Clark, Presiding.

The following persons were selected to serve as Jurors during the present term to-wit: Charles Armstrong, L.A. Rosenthral, Henry Drew, Jno A. McCoy, Joe Miller. The above jurors were qualified as the law requires and the Court proceeded to business.

The first case on the docket being

Lorena Zubar)
vs) Both parties announcing themselves ready
Adolph Zubar) for trial Court proceeded with the testimony

1st Witness, N. J. Tanner. tatement of part of Plaintiff. He first offered to show the record of Marriage. Ques. Are you acquainted with the plaintiff in this case? Ans. Yes. They were married at my house. They lived on the farm of Lem. Ketchum about (5) five miles from my place. Ques. Were you about them much? Ans. No, sir, I was not about the place. He gave me to understand that he had plenty and would do a good part by her. So far as I could see before they were married I could not see anything. (This statement continues and is recorded and also the evidence of several other witnesses.)

(Last evidence in case) A Transcript from the records of the clerks office and marked "A" submitted by the plaintiff to-wit: Marriage license of Adolph Zubar a citizen of the United States to marry Miss Lorena Tanner a citizen of the Cherokee Nation on this the 30th day of April 1884. Petition signed by the following persons:

1 W. Adams
2 Lemuel P. Ketchum
3 Jno. G. Tanner
4 J. N. Journeycake
5 W. C. Smith
6 Rufus Riley
7 [illegible] Armstrong
8 Mary [illegible] Wolf
9 Silvan Earnest
10 Wm. Nicholas.

Rites of Matrimony Solemnized by the Rev. Wm. Adams, minister of the Gospel. Attest Mackey, Clerk Tahlequah District.

There being no [illegible] evidence in support in this case it was then opened for argument by the attorneys. After hearing the arguments the case was then submitted to the jury who returned the following verdict:

We the jurors [illegible] a verdict in favor of the plaintiff. [illegible]

[illegible]

[illegible]

[

Cherokee-D-603

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the aplication for enrollment of Benjamin Estes as a citizen of the Cherokee Nation.

Muskogee, Indian Territory,
May 9, 1902.

M S. Kenfman

Cherokee D-603.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
----o----

In the matter of the application for the enrollment of Benjamin Estes as a citizen by intermarriage of the Cherokee Nation.
-- -- -- -- -- -- -- --

D E C I S I O N.

--:o:--

The record in this case shows that on October 16, 1900, Lorena T. Estes appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of her husband, Benjamin Estes, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 5, 1902, and again on September 30, 1902. The application also included Lorena T. Estes, but as she is differently classified, she is not embraced in this decision.

The evidence shows that Benjamin Estes was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on January 6, 1886, to Lorena T. Zubar, a Cherokee citizen of Delaware blood.

It further appears that his said wife was formerly married to one Adolph Zubar, but had been divorced from him prior to her marriage to the applicant herein. Lorena T. Estes is identified on the Cherokee Authenticated Tribal Roll of 1880. Benjamin Estes is identified on the Cherokee Census Roll of 1896. The evidence further shows that Benjamin Estes has lived with his said wife continuously in the Cherokee Nation from his marriage to her, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Benjamin Estes should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,

this [illegible]

Before The Hon. Dawes Commission sitting at Muskogee, Ind. Ter.

In the matter of the enrollment of Ben Estes as a citizen of the Cherokee Nation, Indian Territory.

Brief on the part of the Applicant.

Comes now Ben Estes and represents to this Commission that he was married to Mrs. Lorena Tanner on January 5th 1886 in accordance with the Laws of the Cherokee Nation; that the name of his said Wife can be found on the 1880 roll page 185 as[illegible] nuber 2884, and that the name of his said Wife, Lorena T. Estes, can be found on the 1896 roll, page 367 as number 233, and that the name of this applicant can be found on the 1896 roll on page 303 as number 331.

The only question is in this case is was Lorena T. Estes, Wife of Applicant divorced from her former Husband, Adolph Zubar.

The testimony of Lorena T. Estes shows that she was divorced from Zubar prior to her marrriage to Estes, and there is filed in this case a certified copy of the Court record showing that in the case of Lorena T. Zubar against Adolph Zubar, the issues were found in favor of the plaintiff, Lorena T. Zubar; this is all that the record shows, but the Witness, William Nairn testifies when the divorce case was tried and that divorce was granted to Lorena T. Zubar, and that the records supplied to your Commission, were the records of the divorce proceedings.

We contend that the Applicant should be enrolled as an adopted [illegible] aware, by intermarriage, and no evidence has been introduced by the Cherokee Nation to show that he should not be so enrolled.

Attorney for the Applicant.

I do hereby certify that I did unite
the within named B H Cates and
Emma Conner in the Holy Bond of
Matrimony at my Residence on Mill
Creeks Fourth Mile north of
Atoka on the 6th Day of January 1886
Date this 7 Day of June 1886
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
JUN 16 1900

Marriage License

Cherokee Nation Tahlequah District

To any person in the Nation aforesaid legally authorized to solemnize Marriage

Greeting: You are hereby authorized to join in the holy bonds of Matrimony and to celebrate the rites and ceremonies of Marriage, between Mr. B M Estes a citizen of the United States and Mrs Lorena Tanner a lawful citizen of this Nation according to the usual customs and laws of the Cherokee People. Said B M Estes having complied with the law concerning intermarriage with white men. You are required to return this license to this office within thirty days from the celebration of said marriage with a certificate of the same indorsed thereto and signed by you.

Given under my hand and seal this the 9th day of January A. D. 1880.

J E Campbell
Supt Clerk
Cherokee Nation
Tahlequah Ind. T.

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV. 21 1900

ACTING CHAIRMAN

Regular Term of the Circuit court convened on the 12th day 277

of May 1885.Judge G.W.Clark Presiding.
The following persons were selected to serve as Jurors during the present Term Towt: Charles Armstrong,L.A.Rosenthral,Henry Drew,Jno.A.McCoy,Joe Miller.The above jurors were qualified as the law requires and the Court proceeded to bussiness.
The first case on docket being:

Lorena Zubar (Both parties announcing themselves
Vs. (ready for trial Court proceeded with
Adolph Zubar (the testimony.

ready

1st.Witness.N.J.Tanner- Statement on part of Plaintiff.
He first offered to shew the record of Marriage.
Ques.Are you acquainted with the plaintiff in this case?Ans.Yes, They were married at my house.They lived on the farm of Lem. Ketchum about five (5) miles from my place.Ques.Were you about them much? Ans. No sir,I was not about that place.He gave me to understand that he had plenty and would do a good part by her So far as I could see before they were married I could not see anything. (This statement continues and is recorded,the evidence of several other witnesses.)

(Last evidence in case) A transcript from the records of the clerks office and marked "A" submitted by the Plaintiff Towit: Marriage license of Adolph Zubar a citizen of the United States to marry Miss Lorena Tanner a citizen of the Cherokee Nation on this the 30th day of April 1884.Petition signed by the following persons:

1Wm.Adams	6,Rufus Riley
2,Lemuel P.Ketchum	C.H.Armstrong
3,Jno.Q.Conner	8 Henry T.Wolf,
4J.N.Journeycake	9 Calvan Barnett,
5 W.C.Smith	Io Wm.Nicholas,

Rites of matrimony solemnized by the rev.Wm.Adams,minister of the Gospel. Arch McCoy ,Clerk of Cooweescoowee District.
There being no more evidence to produce in this case it was then ,it was opened for argument by the Attorneys.
After hearing on the Arguments the case was then submitted to the jury,who returned the following verdict:
We the jurors agree and return a verdict in favor of the plaintiff,this the 13th day of May 1885.
Arch McCoy,District Clerk.

Executive Office Cherokee Nation,
Tahlequah,I.T.
I,R.B.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy,except the proceedings with the witnesses,in above case, is not all copied here, taken from the record of the District Court of Cooweescoowee District Cherokee Nation;that said record has been filed in this Office by law and is in my custody. Given under my hand and the seal of the Cherokee Nation this the 14th day of October 1885.

Assistant Executive secretary,
Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 21 1900



EXECUTIVE DEPARTMENT
CHEROKEE
NATION.

TAHLEQUAH, IND. TER. 10, 18, 1903

Mr. Benj. Estes,

Dear Sir: Enclosed find copy of case Larena Zuber vs Adolph Zuber. Have copied all on record except the statement of witnesses. I have copied all the evidence named have inserted seven pages of type written matter and don't think it will add anything to the decision. There is nothing to show that this is a divorce case except the fact that a marriage between parties were known. The original papers might be found among the papers in office but there is nearly a wagon load of these papers and it would be a job to find them.

Respectfully

D 603

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 13 1900

ACTING CHAIRMAN

to marry [illegible]
on this the [illegible]
the following [illegible]:
[illegible]

[illegible]

[illegible]

COMMISSIONERS:
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902.

Mrs. Lorena T. Bates,

m Allowee, Indian Territory,

Madam:-

You are hereby notified that the application of Ben Bates

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

5th day of March, 1902,

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-663
Register.

Acting Chairman

Cherokee D-603

Muskogee, Indian Territory, February 26, 1902.

Mr. R. B. Lawson, Esq.,

Attorney at Law,

Nowata, Indian Territory,

Dear Sir:-

As requested in your letter of February 21, there is enclosed you herewith copy of the testimony in the matter of the application of Ben Kates for enrollment as a citizen of the Cherokee Nation.

Please sign and promptly return to the Commission receipt for this testimony.

Yours truly,

Commissioner in Charge.

Enc. J-31

Cherokee No.
D. 603

Muskogee, Indian Territory, January 10, 1907.

Ben Estes,

Allawee, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

D

Inel. Decn. _____ Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

DECISION

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Luey Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
[illegible] J. Ivey	1149
[illegible] M. [illegible]	1177
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Savers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2543
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2624
James L. Mitchell	2644
Martha E. McNair	2650
Millard I. Eggnew	2668
Elisha M. Gess	2686
Jessie M. Bissell	2694
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Sydney E Bell	4232
Isaac H Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swarrtock	4319
Frances Guess	4324
Allen H Gibson	4327
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John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylon	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R Goodall	5356
Charles Horton	5390
James W Goddard	5417
Dora Cox	5425
Nannie G Alberry	5438
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William H Hinton	5846
Joseph Lehr	5851
Emm M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W Young	5872
Earley F Ellis	5874
Rosa B Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H Merchant	5888
John D Merchant	5890
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Matilda Cookson	6387
William A Fink	6392
William O Ame	6394
Thomas Walkerson	6396
Alice C Springston	6407
Fanny N Witt	6413
Lillie M Adair	6424
Mark L Matheson	6428
Ida L Wilson	6431
George L Matts	6441
Ulysses S Reeve	6445
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Henry L Dresser	6450
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James L Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B Barnett	6743
Elizabeth Sanders	6745
William T Neff	6747
William R Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A McDonald	6783
Rosa B Wills	6785
David Hubbard	6787
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Sarah E Parkhurst	6824
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Otto J Zufall	7149
Rufus M Norman	7155
Mary E Foreman	7158
Alma West	7159
James M Connally	7161
Francis M Crowell	7163
Fannie E Methare	7171
Benjamin B Graham	7176
Ada Pharies	7180
William L Winsenhaver	7184
Frances B Perry	7191
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Lucy E Robards	10114
Edward H Fitzgerald	10115
John T Pickard	10117
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Richard A Clark	10126
Emma B Martin	10128
Walter L Bates	10129
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William Hefferman	10131
Levi Ackley	10132
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Susie Henderson		10216
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William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	103
George T Kiddy	D	108
Henry C Agent	D	139
Joseph Phipps	D	147
Henry Halton	D	149
David A McGlamery	D	161
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Alexander Walker	D	490
Albert J High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W Baker	D	546
Mattie E Keys	D	550
William S. Edwards	D	560
Susan L Reed	D	572
William H Lyman	D	574
Gracia Davis	D	577
Edward C Bolen	D	582
Dora Gattigne	D	585
Samuel H Hawkins	D	594
Lula M Parrott	D	600
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Manuel Spencer	D	884	Lunnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mills	D	1337
Silas G. Reneckar	D	966	Alfred H. Wood	D	1342
Eliza Wofford	D	967	Cynthia Whitekamer	D	1352
Jasper L. Newton	D	971	Susie Mespadden	D	1361
John N. Gunn	D	974	Martha J. Hesser	D	1363
Hannah Parson	D	989	Samuel M. Cather	D	1367
Nellie C. Helterbrand	D	1003	Kate Vann	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Ward	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1443
George Hazlewood	D	1013	S. F. Moore	D	1444
James M. Jones	D	1022	Annie Sanders	D	1448
Reuben A. Evans	D	1062	Emma Vann	D	1458
Carrie H. Cox	D	1049	Minnie Stinson	D	471
Lula M. Bone	D	1069	C. B. Anderson	D	1465
Sarah E. Herron	D	1085	[illegible]	D	1468
Laura D. Herron	D	1087	[illegible]	D	[illegible]
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Herbert F Couch	D	2700	Samuel A. Parkhurst	D	2821
Albert C Dykes	D	2703	Ellen Rogers	D	2822
Delora Drew	D	2704	Elijah Rolland	D	2827
Frank I Dandelson	D	2705	Endora Steele	D	2828
James Gafford	D	2708	William M Stucker	D	2829
Anna L Harlin	D	2715	Sallie Tauuneacie	D	2831
William R Lipse	D	2717	Mary Tassle	D	2832
Bertha Landrum	D	2718	John F Wolf	D	2835
Lila More	D	2722	Ruth A Ward	D	2840
John D Mathews	D	2723	Winnie Daugherty	D	2884
Mary McIntosh	D	2725	Mary Guthrie	D	2885
Bertha Nidiffer	D	2730	Lydia Long	D	2886
Richard Nichols	D	2731	Edda Roberts	D	2887
William S Ross	D	2738	Manda Ward	D	2889
[illegible]	D	2739	Elmira J Alberty	D	2905
[illegible]	D	2740	Thomas C Cordray	D	2906
[illegible]	D	2741	Edward Fowler	D	2907
[illegible]	D	2743	Dora Foreman	D	2908
[illegible]	D	2744	Parker Holt	D	2909
[illegible]	D	2748	[illegible]	D	2910
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Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Julian Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3457	Mary L Dudley	R	439
Lizzie Pharis	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E Thornton	D	3183	Dora Crane	R	628
Marine Thompson	R	4	Andrew Sitrell	R	642
Jeannie G Thompson	R	5	John Sitrell	R	642
William F Kelly	R	10	Lillie May Wilson	R	644
Alex T Lacy	R	19	Ollie A Barger	R	656
Rosetta McLaughlin	R	41	Ida Hawkins	R	671
Martha A Petrie	R	45	Lizzie Davis	R	761
Garret L Payne	R	61	Clara M Emmons	R	803

Cherokee D603

Muskogee, Indian Territory, March 14, 1907.

Ben Estes,

Alluwe, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. [illegible] Westinge,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-1[illegible]
1Enc

Cher R1134

Trans from Cher D604

See Testimony in Cher R1072

Cher R1134

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct 16 1900.

93-a

Name William G Dawson Talala I.T.

District Coo- Year 1894 Page 176 No. 1316

Citizen by blood yes Mother's citizenship Elsie Dawson - c - d

Intermarried citizen no Jane " " w d

Married under what law Date of marriage

License Certificate

Wife's name Alice Dawson nee Alexander

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage Nov 1896

License Certificate

Names of Children

	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T. October, 16th, 1900.

In the matter of the application of William C. Dawson, for the enrollment of himself and wife as Cherokee Citizens, He being duly sworn testified as follows-

Q What is your name? A William C. Dawson.
Q How old are you? A 33.
Q What is your post office Talala.
Q Is Cooweescoowee your district? A Yes sir.
Q Who is it that you want enrolled? A Myself and wife.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir a white woman.
Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted to citizenship by the Cherokee Commission?
A Yes sir my father was.
Q Let me see your certificate?
The applicant presents an official copy of the records of the Cherokee Commission showing that on January 11th 1890, certain persons were admitted to Cherokee Citizenship, (Q What was the name of your father? A Elbert Dawson) and named [illegible] other persons are Elbert Dawson. This is recognized as official evidence of the facts stated.
Q Give me your mothers name? A J[illegible].
(The document quoted is returned to applicant.

Q Now [illegible]
[illegible]
[illegible]
[

FRANCIS M. DAWSON called as a witness, sworn and examined.

Q What is your full name? A Francis M. Dawson.
Q How old are you? A 58.
Q What is your postoffice? A Oceola.
Q Do you know the applicant here? A Yes sir.
Do you know his wife? A Yes sir.
What is her name? A Alice.
Q How long did she marry him? A Good while ago.
Was it as much as 13 or 14 years ago? A Yes sir.
Were either of them ever married before? A No sir.
Q She was an Alexander before she married him? A Yes sir.
Q Have they lived together ever since their marriage and in the Cherokee Nation? A Yes sir.

The applicant [illegible] for the enrollment [illegible] and wife. He is about [illegible] to Cherokee citizenship in the [illegible] He is identified [illegible]. He [illegible] was made [illegible]. [illegible] was set up [illegible] is the [illegible] He [illegible] as satisfactory [illegible] were [illegible]

Edith L Mowry

Geo. W. Dawson

Chero. D-604.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of William C. Dawson for the enrollment of himself and wife as citizens of the Cherokee Nation.

Francis Marion Dawson, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Francis Marion Dawson.
Q How old are you? A Nearly 60 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with William C. Dawson, the applicant in this case? A Yes sir.
Q Do you know his wife Alice? A Yes sir.
Q Is she a Cherokee or a white woman? A She is a white woman.
Q Do you know anything about their marriage? A I wasn't at the wedding; they were married and are living together as man and wife and have been for years.
Q Do you know about when they were married? A I know pretty near it; they were living at Vinita about — let me study on that; they were married about '86 or '7, I can't say exactly when.
Q Did they continue to live together from the time of their marriage until the present time? A Yes sir.
Q Are they living together now? A Yes sir.
Q Are they generally recognised as man and wife throughout the community? A Yes sir.
Q Now William C. Dawson is the child of your brother by his wife Jane? A Yes sir.
Q Elbert Dawson is his father? A Yes sir.
Q Jane Dawson is the mother? A Yes sir.
Q Do you know anything about the marriage of Elbert Dawson and Jane Dawson? A He brought her home to my father's; they were married on day and brought her home the next day.
Q Did they continue to live together as man and wife until the death of Elbert Dawson? A Yes sir.
Q Generally recognised as man and wife throughout the community? A Yes sir.

—o—

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorde the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

_____

Cherokee D 604.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., October 10, 1902.

In the matter of the application of William C. Dawson for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Alice Dawson, as a citizen by intermarriage, of the Cherokee Nation.

~~Supplemental Proceedings.~~

WILLIAM C. DAWSON, being sworn, testified as follows:

By the Commission,

Q What is your name Mr. Dawson? A William C. Dawson.
Q What is your age at this time? A About thirty-five.
Q What's your postoffice? A Talala, Cherokee Nation.
Q Are you the same William C. Dawson that made application for enrollment as a citizen by blood of the Cherokee Nation on October 16, 1900? A Yes, sir.
Q And at the same time made application for the enrollment of your wife as an intermarried citizen? A I suppose about that time.
Q What is your wife's name? A Alice.
Q Is she a white person? A Yes, sir.
Q What's her age at this time? A Thirty-four, I think.
Q When were you married to your wife, Alice? A November, '86.
Q November, '86? A Yes, sir, that's my recollection.
Q Had you ever been married prior to your marriage to your wife, Alice? A No, sir.
Q Had she ever been married prior to her marriage to you? A No, sir.
Q Are you her first husband? A Yes, sir.
Q She's your first wife? A Yes, sir.
Q Have you and she lived together as husband and wife from the time of your marriage up to the present time? A Yes, sir.
Q You never have been separated? A No, sir.
Q She has never been married to any other man since her marriage to you? A No, sir.
Q Living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I settled there in '84.
Q Has your wife lived with you all the time in the Cherokee Nation since that marriage to her in '86? A Yes, sir.
Q Are you a citizen? A No.

Notary Public, being first duly sworn, states that he is [illegible] to the foregoing in the Five Civilized Tribes. He remembers the testimony and proceedings in the matter of the fore-

going application and the above is a true and complete transcript of her stenographic notes thereof.

(Signed) Retta Chick.

Subscribed and sworn to before me this 18 day of October, 1902.

(Signed) P. G. Reuter,

Notary Public.

---:---

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 16th day of August 1904.

Charles N. Sumpter

Notary Public.

H. E. 664

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Alice Dawson
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near

Talala
(Here insert name of post office) , Ind. Ter., and died on the 2 day of

July , 1904

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, William E. Dawson, on oath state that I am 37

years of age and a citizen, by blood, of the Cherokee Nation;

that my post-office address is Talala Ind Ter., that I am

husband of Alice Dawson
(Here insert name of deceased)

who was a citizen, by Adoption, of the Cherokee Nation;

and that said Alice Dawson died on the 2 day of

July 1904 William E Dawson

Subscribed and sworn to before me this 13 day of July 1904

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, , on oath state that I am

years of age and a citizen, by , of the Nation;

that my post-office address is Ind. Ter.,

that I was personally acquainted with

who was a citizen, by , of the Nation,

and that said died on the day of

Witness my hand

Subscribed and sworn to before me this day of

Notary Public.

(COPY)

Refer in reply
to the following:
Land.
13955-1903,
55931-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Oct. 16, 1903.

C O P Y

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.,

GROUP VIII.

The Honorable,

The Secretary of the Interior.

Sir:

[illegible] even date transmitting [illegible] I of the [illegible] case of Francis M. Dawson, et al., [illegible] for enrollment as citizens of the Cherokee Nation, [illegible] enrolled [illegible] the records [illegible] the Cherokee [illegible] Group VIII.

[illegible]

Victor L. Patterson appears for the [illegible] himself as an intermarried citizen, and [illegible] enrollment of [illegible] and [illegible] named children, [illegible] Charles A., Thomas L. [illegible], Thomas E., and Virgil [illegible], [illegible] citizens by blood. [illegible] V. [illegible] the witnesses [illegible] the date [illegible] application [illegible] supplemented by [illegible] affidavit.

[illegible]

Thomas [illegible] appears for the enrollment [illegible] himself as a citizen by blood, and for the enrollment of [illegible] wife, Alice Dawson, as an intermarried citizen.

D.608 [illegible] VIII, page 15

Robert L. Dawson applies for enrollment as a citizen by blood

D. 608, Group VIII, page 16.

Elbert B. Dawson applied for the enrollment of Himself and his minor child, Ralph E. Dawson, as citizens by blood. The child was born subsequent to the date of his original application, and is identified by birth affidavit.

D. 609, Group VIII, page 19.

Sarah J. Dawson applies for the enrollment of herself as an intermarried citizen.

D.617, Group VIII, page 22.

[illegible] W. Dawson applies for the enrollment of himself and his minor child, Ina M. Dawson, as citizens by blood, and for the enrollment of his wife, Luella Dawson, as a citizen by intermarriage. The Commission notes that Luella Dawson is differently classed and is not enrolled in its decision.

D. 618, Group VIII, page 23.

[illegible] Spieserman applied for the enrollment of herself and her minor child, Marion J. Spieserman, as citizens by blood, and for the enrollment of her husband, John J. Spieserman, as a citizen by intermarriage. She also applies for the enrollment as a citizen by blood of her child, William G. Spieserman, who was born after her original application. This child is identified by a birth affidavit. The records show that John J. Spieserman was born

differently classed and is not embraced in its decision.

D. C27, Group VIII, page 31.

Francis M. Dawson applies for the enrollment of himself as a citizen by blood.

The record in this case shows that Martin L. Fitzpatrick, (Group VIII, page 1), was married July 10, 1900, to Nora Patterson nee Dawson, daughter of Robert Dawson, who was admitted by the Tehee Court, January 11, 1895. The marriage was performed in accordance with the laws of [illegible] Nation. [illegible] Fitzpatrick was enrolled. [illegible] Martin L., Nora A., Martin and Pauline.) [illegible]son. [illegible], Thomas M. and Carroll C. Patterson are intermarried with [illegible].

[illegible], Group VIII, page 13, is [illegible] who [illegible] for [illegible] his [illegible].

[illegible] Group VIII, page 13, is [illegible] his [illegible].

[illegible] Group VIII, page 13, is [illegible] Robert [illegible] was admitted [illegible] was a [illegible] his

father was admitted. February 10, 1898, he was married to Cora [illegible], [illegible]-citizen. His name appears on the 1894 roll, but is not on the 1896 roll.

Sarah J. Dawson, (Group VIII, page 19), is the widow of Elbert Dawson, who was admitted January 11, 1893. The applicant's husband's name appears on the Final Report of the Choctaw Nation. [illegible] Nation.

[illegible] Elbert Dawson, [illegible] admitted [illegible], 1896. [illegible]

[illegible] father [illegible] when [illegible] was [illegible]. [illegible] roll.

[illegible] this [illegible] and [illegible] more [illegible] the [illegible]

It is shown that Zona Patterson, William C. Dawson and Richard V. Dawson, have resided in the Cherokee Nation since 1884. Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson and Ella Spickerman have resided there since 1883. Alice Dawson has resided in the Nation since 1886 and Martin L. Patterson since 1894.

The Commission in its decision of December 23, 1902, held that all of the parties to this group, except Luella Dawson and J. J. [illegible], who are differently classed, and Francis M. Dawson (Group VIII page 31), were entitled to enrollment as citizens of the Cherokee Nation----- Martin L. Patterson, Alice Dawson and Sarah J. Dawson, as citizens by intermarriage and the others as citizens by blood.

For the reasons set forth in office report of even date, transmitting Group I of this consolidated case, the approval of the Commission's decision is recommended, except in so far as it relates to Martin L. Patterson, Alice Dawson and Sarah J. Dawson, who apply for enrollment as intermarried citizens. The question presented by the record of these applicants having been passed upon by the Court, their applications should not be considered at this time. The right of Francis M. Dawson to enrollment as a citizen by blood will be discussed herein.

August 31, 1906, Harry S. Kimball and W. H. White, attorneys of this city, filed a brief on behalf of applicant Francis M. Dawson, for enrollment as a citizen of the Cherokee Nation. In their letter it is said that a copy of this brief has been forwarded

to the attorney for the Cherokee Nation, W. W. Hastings, Esq. Kimball & White in their brief state that Francis M. Dawson is the son of Elbert Dawson, who was admitted to citizenship in the Cherokee Nation, January 11, 1883, and that he was at that time about 22 years of age. They claim that his father applied for readmission February 24, 1880, and that Francis M. Dawson was at the date of this application less than 21 years of age; that he has resided in the Cherokee Nation from the time of his father's admission, and they take the position that the only reason the Commission gives for refusing his enrollment is that he was more than 21 years of age at the time of his father's admission. The statement is made by them "his name appears upon every roll since his father's admission. He drew his share of the strip money, and has resided nowhere except in said Nation." They claim that under section 5, of the Amendments to the Article 3, of the Constitution, and the opinion of the Assistant Attorney General in the James W. Shirley case of June 11, 1903, Francis M. Dawson is entitled to enrollment as a citizen of the Cherokee Nation.

From the record it does not appear that the name of Francis M. Dawson is found on any rolls of the Cherokee Nation. The Commission, in what is understood to be its field decision of field note, says: "He is not identified on any roll since that time," meaning, the date of his father's admission. In this decision or note it is also said: "The application for admission is shown by the document cited to be dated January 6, 1881, and giving the applicant the benefit of the opinion that the fact of admission would date from the application, he was a minor at that time.

In the brief of Kimball & White it is alleged that Elbert Dawson applied "for admission February 24, 1880." There seems to be considerable doubt as to the exact date Elbert Dawson made application for admission to citizenship in the Cherokee Nation, but from the records it appears that true date is September 24, 1881. By the supplemental testimony it is shown that the application of Elbert Dawson, et al., for admission to citizenship was "filed September 24, 1881."

Francis M. Dawson, October 17, 1890, (Group VIII, page 431), testified among other things that he was 39 years of age "on the last day of December last," meaning December 31, 1889. If this be true, and the correct date of the application of his father, Elbert Dawson, is September 24, 1881, Francis M. Dawson was 20 years 8 months and 23 days old at the date of his father's application. The office believes that the date of admission should be held to relate back to the date of the application. There is nothing in the record which shows that Elbert Dawson, or any of the other applicants of 1881, were asked in 1883 whether any of their children had arrived at the age of majority.

In view of the foregoing, it is respectfully recommended that the decision of the Commissioner to Francis M. Dawson be not approved, and that the Commission be directed to enroll him as a citizen of the Cherokee Nation by blood, unless there be some reason which does not appear in the record why the same should not be done. There seems to be no question but that he is of Cherokee blood.

Very respectfully,
W. A. Jones, Commissioner,

S.A.V,-L.C.
(EEE)

(COPY)

I.T.D. 7442-1903
7416- "
7906- "
LES

J.W.H.
J.P.
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

March 31, 1904.

Commissioner of the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

[illegible] transmitting record in the matter of the application of Francis L. Vann, et al., for enrollment as citizens of the Cherokee Nation.

In your decision of December 31, 1903, [illegible] of the application in the above cases, Group VIII, a dismissal of the application for enrollment of those persons who could [illegible] by virtue of their descent from Robert Vann, was admitted to citizenship by reason of the Supreme Court [illegible] decision in the cases of Lynch et al. vs. Hastings et al., 189 U.S. 365, [illegible] 47 L. ed. 1085, and 47 L. ed. 1087.

It appears that the principal applicants in this group, [illegible] enrollment as above, [illegible] Vann, formerly Benson, William J. Vann, Albert L. Vann, Lulie E. Vann, Richard W. Benson, Eula J. Waterman, formerly Benson, and Francis M. Benson, are the children of the said Albert Vann. All of them except the said Francis M. Benson were minors at the time of their father's admission to citizenship.

The application of Martin L. Patterson, D.455, was for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mona Patterson, and his six minor children, Sarah A., Martha . A., Claude A., Edgar D., Thomas M., and Virgil V. Patterson, as citizens by blood of the Cherokee Nation. The said Martin L. Patterson was married July 15, 1890, in accordance with the laws of the Cherokee Nation, to the said Mona Patterson, nee Dawson. He has resided in the nation since his marriage, and the six children named above are the issue of said marriage. His name, and the names of his three older children, are on the Cherokee census roll of 1896. The three younger children are identified by their affidavits. Mona Patterson, nee Dawson, is also identified on said roll, and has resided in the Cherokee Nation since 1884.

William C. Dawson, D.456, applied for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Alice Dawson, as a citizen by intermarriage of the Cherokee Nation. He is identified upon the Cherokee census roll of 1896, and has resided in the nation since 1884. He was married November 16, 1892, to the said Alice Dawson, nee Alexander. She has resided with him since their marriage.

The application of Robert L. Dawson, D.457, was for the enrollment of himself as a citizen by blood of the Cherokee Nation. He is identified upon the Cherokee census roll of 1896, and has resided in the nation since 1884.

The application of Elbert B.Dawson, D.608, was for the enrollment of himself and his minor child, Ralph E. Dawson, as Cherokees by blood. Said Elbert B. Dawson is identified upon the strip payment roll of 1894. His son is identified by a birth affidavit. The father has resided in the Cherokee nation since 1883. On February 16, 1898, he married Cora Bright, a non-citizen, who is the mother of said child. It appears, however, that no application was made for her enrollment under this title.

The application of Cora J. Dawson, D.609, was for the enrollment of herself as an intermarried citizen of the Cherokee Nation. In 1894 she married the said Elbert Dawson, and lived with [illegible] husband [illegible] Dec. 1, 1899. Since that [illegible] married. She has resided in the nation since [illegible].

The application of Richard T. Dawson, D.617, was for the enrollment of himself and his minor child, Ina F. Dawson, as citizens by blood upon the [illegible] of the child, Ina F. Dawson, as a citizen by intermarriage. The latter is differently identified and is not enrolled in this decision. Said Richard T. Dawson is identified upon the 1896 strip payment roll, and has resided in the Cherokee since 1884. January 24, 1900, he married Lucia M. Dawson. Ina F. Dawson is identified by a birth affidavit, as the issue of that marriage.

The application of Elsie L. Stevenson, D. [illegible], was for the enrollment of herself and for minor children, Helen J. and William T. Stevenson, as citizens by blood, and for the enrollment

of her husband, John J. Spickerman, as a citizen by intermarriage of the Cherokee Nation. His application is differently classified and will not be considered herein. The said Ella L. Spickerman, nee Dawson, is identified on the strip payment roll of 1894, and has resided in the nation since 1885. Said children are identified by birth affidavits.

The application of Francis M. Dawson D.627, was for the enrollment of himself as a citizen by blood of the Cherokee Nation. His case is distinguished from that of the other principal applicants who claim by blood, in that he was not a minor at the date of his father's admission to citizenship. It appears, however, that the petition for the enrollment of his father, Elbert Dawson et al., was filed when he was a minor. The exact date when said petition was filed is uncertain. The Indian Office finds that the date of the petition was September 24, 1902. You find that the petition bears a still earlier date. It appears that this is based upon various transcripts. It does not appear from the record, however, that such is the fact. He claims that he has resided in the nation "ever since 1885", and that he was born in "Tahlequah."

In the report of Mr. Wisdom, dated, Muskogee, October 19, 1904, he says: "An examination of Indian office records discloses the fact that the evidence which shows that the applicant was a minor when the petition for the enrollment of his father was filed, and expresses the opinion that the enrollment of his father terminated as to the minor children [illegible] and they should be considered as of the same effect from the date the petition was filed.

In your decision of December 23, 1902, in which you refused to enroll this applicant, you make no reference to this aspect of the case. It is observed, however, from the field notes, as they appear in connection with the record in this case, that the examiner was then of the opinion that the date of the father's petition might possibly affect the rights of the applicant.

The attorneys for this applicant and for the Nation have filed briefs. The attorneys for neither, however, have discussed the rights of the applicant from this standpoint.

It is considered that both parties should be furnished with a copy of the Commissioner's letter relating to this group, and be allowed to be heard in reference to the matter.

From a letter addressed to the Assistant Attorney General for the Department, from Kimball and Hitz, attorneys, Washington, D. C., dated February 12, 1904, it appears that under date of January 13, 1904, [illegible] as follows:

"[illegible] advised that the 1896 pay roll does not contain the name of such a person as Francis [illegible] Thomas. There does appear upon that roll, however, the name of one Watson Thomas, and it is possible this is the same person."

[illegible] addressed to the Department, it was contended that said letter should be received as authentic evidence of the matters stated therein. It is believed, in view of the statement contained in said letter and from the testimony of Francis Marion Thomas, referred to above, that an adjudication of the case upon the record as it now stands would be untimely and inadvisable.

In your decision of December 23, 1902, you held that all of the applicants are entitled to enrollment except Francis M.

Dawson. The Commissioner of Indian Affairs concurred in your recommendation respecting those applicants claiming by blood, except as to him, and also recommended his enrollment. As to those applicants claiming by intermarriage the Commissioner recommended that no action be taken at present.

The Department concurs in the recommendation of the Commissioner as to all of the applicants, except Francis W. Dawson. The record in his case is herewith returned for further investigation in accordance with the suggestions herein contained.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, claiming that their enrollment was obtained through fraud. In this connection see opinion of the Assistant Attorney General of February 14, 1914, relative to the Dawson case, a copy of which was sent you February 24, 1914.

A copy of Indian Office letter of October 10, 1913, relating to this group, is also inclosed.

Respectfully,

(Signed) [illegible]

Acting Secretary.

Inclosures.

WFH

Cherokee
D 604

Muskogee, Indian Territory, December 18, 1906.

Alice Dawson,

Talala, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the epartment December 4, 1906.

Respectfully,

Commissioner.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. S. McKennon,

Attorney for Katie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. F-10
1.

Cherokee
D 424 et al.

Muskogee, Indian Territory, December 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Mattie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enc. W-11
C.S.

(COPY)

D.C.53540-1906. Y.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.7442,7444,
7446,7448,
7450,7452,
7454,7456,
7458,7462,
7464,7466,
7906-1903.

December 4, 1906.

L.R.C.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis M. Pitt et al, claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Katie Dawson, Andrew J. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah V. Dawson, Nellie Pierce, John T. Foglo, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah L. Dawson (formerly Jones), John T. Warner, Elizabeth Graham, Mathew L. Palmer, Charles T. Breedlove, Bessie Graham, James L. Harmon, William T. Lenox, Lillie T. Dawson, Mary T. Richardson, William A. Dawson, Sarah J. Geddie, Alonzo W. Richmond, Flossie Jackson, and George A. Mabry, as citi-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Francis V. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 13, 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

To the Commissioner
of Indian Affairs.

2 Inc. to Ind. Off.

Cher R 1135

Trans from Cher D 609

See Testimony in Cher R 1072

Cher R 1135

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 16 1900

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 16 1900 1900.

Name Talala D.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Sarah A. Rawlston,

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage 1894

License Certificate

Names of Children

	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss
NORTHERN DISTRICT)

In the matter of the application of
for enrollment as a Cherokee Freedman.

N. E. D. 66

, of lawful age, being duly sworn on oath states that on the day of , 1902, he registered

16604

C. D. 609

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal to the Cherokee Nation

I, the undersigned attorney for the within named defendant, hereby accept service of the within notice this the

day of 190

IN THE MATTER OF the application of Sarah J. Dawson

for enrollment as Cherokee citizens:

Case No. D 688

To Sarah J. Dawson Ingalls I.T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March, 17, 1902. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible], 02, [illegible].

W. Thomas

Attorneys for the Cherokee Nation

Card D 609

32

IN RE
THE DEATH OF

Sarah E Dawson

a citizen of the

Cherokee Nation Nation.

Approved Feb

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sarah J Dawson
(Here insert name of deceased)

Intermarried citizen of the Cherokee Nation, who formerly resided at or near

Talala
(Here insert name of post office), Ind. Ter., and died on the 29 day of

January, 1904

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Robert L Dawson, on oath state that I am 31 years of age and a citizen, by Blood, of the Cherokee Nation, that my post office address is Talala, Ind. Ter., that I am Son of Sarah J Dawson, who was a citizen by Intermarriage of the Cherokee Nation and that said Sarah J Dawson died on the 29 day of January, 1904.

Robert L Dawson

Witnesses to mark:

Subscribed and sworn to before me this 9 day of Feby, 1906.

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

Witness to mark:

Witness my hand and official seal this day of , 1906.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., October 16, 1902.

In the matter of the application of Sarah J. Dawson for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Sarah J. Dawson.
Q How old are you? A 60.
Q What is your postoffice? A Vinita, I.T.
Q In what town did you live? A Coweeta Creek.
Q What is it you wish to have enrolled? A Just myself.
Q Do you apply as a Cherokee by blood? A My husband's a Cherokee.
Q You apply as a Cherokee by adoption? A Yes sir.
Q You were admitted to Cherokee citizenship by the Cherokee Commission, were you not? A I suppose so.
Q What was the name of your husband? A Elbert Dawson.
Q Is he alive or dead? A He's dead.
Q He was a Cherokee, was he? A Yes.
Q When were you married to him? A In '54.
Q Were you ever married except to him? A No.
Q Have you ever married except to you? A No.
The Clerk presents an official copy of the records of the Cherokee Commission on Citizenship showing that on Jan. 11, 1887, certain persons were admitted to citizenship and among them appears the name of Elbert Dawson. Now, that was the name of your husband? A Yes.
This is received as official evidence of her husband's admission at that time.
Q How long after admission was it before your husband came to the Cherokee Nation? A I believe it was three years before we came.
Q Did he live continuously in the Cherokee Nation from that time until he died? A Yes sir.
Q You lived there? A Yes sir.
Q You lived there all the time? A Yes.
Q Ever since you came after admission? A Yes sir, I have lived there.
Q And you have ever since? A Yes.
Q When did your husband die? A February 8 year ago.
Q Where did he die? A Vinita, I.T.
Q Was he buried there? A Yes sir.
Q Is he the only wife your husband ever had? A Yes sir.
Q Were you married before your husband's admission to citizenship? A The ceremony was performed then the way.
Q They lived together as husband and wife until your husband's death? A Yes.
Q And your husband died a citizen of the Cherokee Nation? A Yes.

Representative of Senate to witness.
Q In making application for citizenship under the Cherokee authorities, was the lady Jane Dawson, [illegible] the application? A No.
Q Did they make application for you? A No sir.
Q And she wasn't included then in the enrollment? A No, not [illegible] and the family.
Q There were some of the sixes of these parties that were admitted, they were never included in the list? A No sir.

Commissioner.

The document in question states that the persons admitted are entitled to all the rights and privileges of Cherokee citizenship [illegible] Cherokee Nation, and that they shall be, and are hereby admitted to the full and complete enjoyment of the same as native Cherokees.

re-direct.

Q [illegible] not on the roll of 1906? A I don't know.
Q Was not application made for your enrollment? A I don't know.
Q [illegible] nor your husband's name appear on the roll. A He ought to be there, he enrolled.
Q Was objection made to your enrollment and your husband's enrollment at that time by the Cherokee authorities on account of character of their admission to citizenship? A No.
Q It has been stated by some of the members of your family that objection was made to his enrollment, and that they were stricken from the roll by the Cherokee authorities on that ground?
A There was none made to me enrolled. I but he was not
Q [illegible] his not enrolled? A He was an orphan.
[illegible] Yes, sir.
Q [illegible] was enrolled at Tahlequah.
Q [illegible]

[illegible] is entitled on the roll of 1906, and [illegible] certificate of admission cited in the testimony [illegible] entitled to citizenship in 1893. It is shown that [illegible] married to my father prior to that time and [illegible] life from the age of [illegible] until he was a little over a year old, and neither [illegible] ever lived [illegible] Cherokee Nation since she came [illegible] in 1889, [illegible] are living in the county of [illegible]. The evidence shows that she and [illegible] but on the preliminary roll of 1896, but [illegible] of the Commission [illegible] finally stricken by the Commission [illegible] the petitioners constructive presence [illegible] against the application of [illegible] against that of [illegible] of the family because of alleged fraud [illegible] admission to citizenship. [illegible] consideration of the [illegible] and [illegible] will be closed [illegible] decision [illegible] will be [illegible] to the order of [illegible] admission.

[illegible] Commissioner.
Mr. [illegible] counsel [illegible] the case of [illegible], [illegible] [illegible] will [illegible] it [illegible] and it [illegible] entitled to [illegible] and the [illegible] right that she was born entitled to citizenship. [illegible] is also one of the [illegible], and probably [illegible] that the [illegible] of the [illegible] Commission [illegible] entered [illegible] and it [illegible] [illegible] to [illegible] and [illegible] the [illegible] of the Cherokee Nation [illegible] [illegible] and [illegible] of the Cherokee [illegible] [illegible] [illegible]

Cher
Supp'l to D 609

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 10, 1902.

In the matter of the application of SARAH J. DAWSON, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

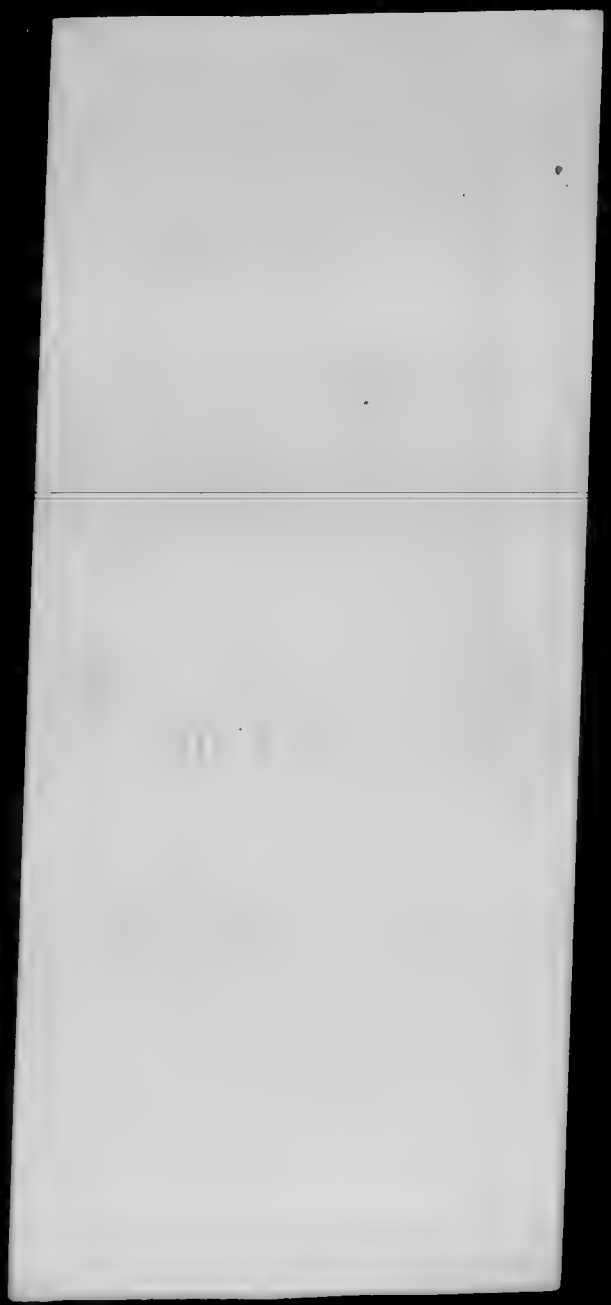
SARAH J. DAWSON, being duly sworn and examined by the Commission, testified as follows:

Q What is your name in full ? A Sarah J. Dawson.
Q What is your age at this time ? A Sixty two.
Q What is your post office ? A Talala.
Q Are you the same Sarah J. Dawson that applied to the Commission for enrollment as an intermarried citizen in 1900 ? A Yes sir
Q What is your husband's name ? A Elbert Dawson.
Q Is he living or dead ? A He's dead.
Q Was he a citizen by blood of the Cherokee Nation ?
A Yes sir.
Q Where were you married to him ? A We were married in Arkansas.
Q Were you ever married before you married him ? A No sir.
Q Was he ever married before he married you ? A No sir.
Q After you and he were married in Arkansas, how long was it before you came to the Cherokee Nation ? A I don't know just how long. We come here in 1885.
Q Was he admitted to citizenship when he came ? A Yes sir.
Q You were not admitted with him were you ?
A I don't know he attended to all the business.
Q You don't know anything about it ? A No sir.
Q You were never re-married to him after you came to the Cherokee Nation, were you ? A No sir.
Q Have you lived in the Cherokee Nation all the time since you came here in 1885 ? A No sir, I have never been out.
Q Did you and your husband Elbert Dawson, live together as husband and wife from the time of your marriage up to his death ?
A Yes sir.
Q You never were separated ? A No sir.
Q Were you still a widow and single on the first day of September, 1902 ? A Yes sir

W. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 10, 1902.

Notary Public.



COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 1st 1902

Sarah J. Dawson,

Talala, Indian Territory,

Madame:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

17th day of March, 1902

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Witness my hand,

Cherokee 3-601.

Registered,

Acting Chairman

CherokeeD-609.

Muskogee, Indian Territory, February 25, 1903.

Sarah J. Dawson,

Talala, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both your attorney and the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Kno. 9-13. Acting Chairman.

Regimer.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December [illegible] granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, [illegible] A. Dawson, Laura A. Dawson, John Dawson, William H. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward [illegible] Atkins, Francis M. Dawson, Jr., Samuel [illegible] Dawson, [illegible] Dawson, Robert Dawson, Albert [illegible] Dawson, Alford Dawson, Josephine Bulawsky, [illegible] Bulawsky, [illegible] Bulawsky, Blanche Bulawsky, Ray Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Dawson, [illegible] Dawson, Lula M. Dawson, Samuel H. Dawson, Rosa [illegible] Dawson, Charles [illegible] Dawson, Hattie [illegible] Dawson, Jennings [illegible] Dawson, Jesse E. Dawson, Virgal E. Dawson, Thomas [illegible] Dawson, Lenore [illegible] Dawson, [illegible] Dawson, Mary [illegible] Dawson, [illegible] Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles [illegible] Pierce, Ona Gray, Cecil Gray, Walton Gray, Effie Akin, [illegible] Doyle, James B. Doyle, Edna B. Doyle, John [illegible] Doyle, Martin [illegible] Doyle, [illegible] Doyle, Nancy Edith Doyle, Joseph [illegible] Dawson, Clarence [illegible]

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James T. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Robert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Thomas Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil W. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Nellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John T. Graham, Julius E. Graham, Francis T. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverne A. Painter, Ada J. Painter, Ina P. Painter, John W. Painter, May B. Painter, Roberta A. Painter, Ina T. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Ida P. Graham, William C. Graham, John T. Graham, Ella L. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jameson, Viola Jameson, Billie B. Harmon, Grant Jameson, Dwight Jameson, William T. Harmon, Thelma L. Jameson, Pansie James, Myrtle E. James, Myrtle James, Theresa Whitley, Irene W. Whitley, Wilburn M. Whitley, Willie Whitley, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Hattie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F [illegible], August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie [illegible], John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham; James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alice M. Fishback as citizens by intermarriage of the Cherokee Nation, rejecting the application for the enrollment of Arizona A[illegible], William C. Allred, Francis M. Dawson, Nile Jackson, Minnie [illegible], Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, [illegible] Lowe, Selma Lowe, Roberta Lowe and Rosa Lowe as citizens by [illegible] of the Cherokee Nation, and for the enrollment of Lizzie [illegible] and George A Mabry as citizens by intermarriage of the Cherokee Nation, and dismissing the application for the enrollment of [illegible] Pierce, Cecil Dawson, Green W. Jackson, Lizzie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior.

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. 1-4.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, January 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 3, 1902, [illegible] the application for the enrollment of Francis [illegible] Dawson, Lula Dawson, Ray Dawson, Jessie [illegible] Dawson, Janet L. Dawson, Hugh A. [illegible], Laura A. Dawson, John Dawson, William R. Dawson, Liddie [illegible] Arthur Atkins, Edna F. Atkins, Edward [illegible] Atkins, Pierre J. F Aills, Francis [illegible] Dawson, Jr., Samuel R. Dawson, August [illegible], [illegible] Dawson, Robert Dawson, Albert [illegible] Dawson, Ralph [illegible] Dawson, Al- [illegible] Dawson, Theodore Dulaney, Mary Dulaney, Ida Dulaney, Annie Dulaney, Blanche Dulaney, Ray Dulaney, Oscar Dulaney, John T. Dawson, [illegible] Dawson, Albert [illegible] Dawson, Edward [illegible] Dawson, Lula [illegible] Dawson, Samuel [illegible] Dawson, Anna [illegible] Dawson, Charles E. Dawson, Hattie [illegible] Dawson, Theodore [illegible] Dawson, James [illegible] Dawson, Virgil [illegible] Dawson, Thomas T. Dawson, Charles [illegible] Dawson, Julia [illegible] Dawson, Mary M. Dawson, James [illegible] Dawson, Albert Pierce, Myrtle Pierce, Arthur Pierce, Charles [illegible] Pierce, Ida Dean, Cecil Dean, [illegible] Effie Akin, Nancy [illegible] Teale, James F. Eagle, Anna F. Eagle, [illegible] Eagle, Harvid R. Eagle,

Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Dora Moore, Walter Moore, Clara Moore, Ora Moore, James H. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert T. Dawson, Elbert T. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John T. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Gracie L. Graham, Florence M. Graham, Lavurna A. Painter, Ada R. Painter, Eva [illegible] Painter, John T. Painter, Ray E. Painter, Roberta A. Painter, Roy [illegible] Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe [illegible] Graham, William S. Graham, John F. Graham, Nina [illegible] Graham, [illegible] Lee Graham, Joe Willie Neal, James M. Graham, Martha Graham, [illegible] Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Lemon, Willie F. Harmon, Claud Harmon, Dwight Harmon, William E. Harmon, Fannie A. Jackson, Jennie Lemon, Birtie M. Lemon, Myrtle Lemon, Texanna Woolley, Jesse V. Woolley, Wilburn T. Woolley.

Mattie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Emma Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Willis T. Richardson, Jasper C. Richardson, Delia D. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris C. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Jennie Dawson, Sarah F. Dawson, August Bulavsky, Mannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lemox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation, rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Dale Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, Ray Lowe, Selma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation, and dismissing the application for the enrollment of Willie Pierce, Cecil Dawson, Green T. Jackson, Lizzie Graham and Margaret Graham.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

M-130.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Francis M. Dawson et al., applicants for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1905, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob I. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert M. Dawson, Ralph H. Dawson, Alford Dawson, [illegible] Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie [illegible], Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. [illegible], Katie Bowman, John Dawson, Robert E. Dawson, Lula M. Dawson, [illegible] Dawson, Rosa B. Dawson, Charles D. Dawson, Mattie J. [illegible], [illegible] Dawson, James [illegible] Dawson, Vergal C. Dawson, [illegible] Dawson, Marion [illegible] Dawson, [illegible] Dawson, Mary P. Dawson, [illegible] Dawson, [illegible] Pierce, Mattie Pierce, Arthur Pierce, Charles [illegible] Pierce, Ona Gray, Cecil Gray, [illegible] Gray, Addie Adair Gray, [illegible], James P. Doyle, Edna [illegible] Doyle, John A. Doyle, Marvin R. Doyle,

[illegible] Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, [illegible] Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, [illegible] T. Richardson, Jasper C. Richardson, Delia F. Richardson, [illegible] Brader, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, [illegible] Weddle, William D. Douthitt, Laverna A. Fishback, William A. [illegible], Annie B. Fishback, Florence Morgan, Clide Morgan, Alice [illegible] Morgan, John E. Fishback, Edna Mabry, Robt Mabry and Charley [illegible] as citizens by blood of the Cherokee Nation, and Katie [illegible], Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, [illegible] Dawson, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John T. Poole, Florence Dawson, Martha A. Dawson, Charles T. Moore, [illegible], Mary A. Blackmore, Martin L. Patterson, Allen Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Marlow A. Painter, Charles T. Bradshaw, Lonnie Graham, [illegible] Farmer, William F. Lewis, Willie T. Dawson, Henry T. [illegible], Melissa A. Dawson, Vivian F. Weddle, and Albert M. [illegible] as citizens by intermarriage of the Cherokee Nation [illegible] for the enrollment of Arizona Allred, [illegible] Allred, Reginald M. Dawson, Dale Dawson, Lonnie Dawson, [illegible] Dawson, Ida Dawson, Lonnie Lowe, Ed Lowe, [illegible] Lowe, Roberta Lowe and Nora Lowe as citizens by blood of [illegible] Nation; and for the enrollment of Lillie Jackson, [illegible] A. Walker as citizens by intermarriage of the Cherokee [illegible] and [illegible] the application for the enrollment of [illegible] Sterrit, Carl Sneed, Boyd T. Dawson, Nadine Graham and Margaret Graham.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Enc. M-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commissioner's decision in said case, and the protest of the Cherokee Nation against said decision, dated February [illegible], 1905.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McClennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

File with Cherokee D-581, William R. Dawson. 1

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, consolidating the applications of,

Francis M. Dawson et al	Cherokee	D.	324
John Dawson,	"	D	580
William R. Dawson,	"	D	581
Andrew C. Atkins, et al	"	D	584
Francis M. Dawson, Jr.	"	D	588
Arizona Allred, et al	"	D	335
Samuel R. Dawson, et al	"	D	356
Robert Dawson,	"	D	352
Albert M. Dawson, et al	"	I	35[illegible]
[illegible] Bulawsky, et al	"	D	36[illegible]
John W. Dawson, et al	"	D	48[illegible]
Nettie Newman	"	D	4[illegible]
John Dawson, et al	"	D	578
Thomas P. Dawson, et al	"	D	36[illegible]
Orle M. Dawson, et al	"	D	57[illegible]
Robert Pierce, et al	"	D	4[illegible]
[illegible] Pierce,	"	D	4[illegible]
[illegible] E. Allred,	"	D	4[illegible]
[illegible] Perry, et al	"	D	[illegible]
[illegible] Pierce,	"	D	[illegible]
[illegible], et al	"	D	[illegible]
Joseph R. Dawson, et al	"	D	[illegible]
Fishburn Dawson,	"	D	[illegible]
[illegible] T. Moore, et al	"	D	[illegible]
James M. Dawson, et al	"	D	[illegible]
[illegible] A. Blackmore, et al	"	D	[illegible]
[illegible] A. Blackmore, et al	"	D	[illegible]
[illegible] E. [illegible], et al	"	D	[illegible]
[illegible] L. Patterson, et al	"	D	[illegible]
[illegible] A. Dawson, et al	"	D	[illegible]
[illegible]	"	D	[illegible]
[illegible]	"	D	[illegible]
[illegible]

Texanna Woolley, et al.,	Cherokee	D	406
Henry T. Richardson, et al.,	"	D	715
Etta Brauer,	"	R	12
Helion A. Dawson,	"	R	13
Alonzo M. Fishback, et al.,	"	D	343
Hiram F. Weddle, et al.,	"	D	521
William D. Douthitt,	"	D	522
Florence Morgan, et al.,	"	D	737
John E. Fishback,	"	D	845
George A. Mabry, et al.,	"	D	979

D E C I S I O N.

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation.

By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 1st, 1900, for the enrollment of himself and minor children, Lula, May, Jessie J., [illegible] and Edwin A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on April 8, and October 11, 1902.

By John Dawson, at Nowata, Indian Territory, on September [illegible], 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on July 1, 1902.

By William P. Dawson, at Nowata, Indian Territory, on September 1st, 1900, for the enrollment of himself and minor children, Pauline Dawson as citizens by blood. Pauline Dawson has been previously enrolled but is not a party to this petition.

By Andrew J. Akins, at Nowata, Indian Territory, on October 11, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lizzie Akins and their minor children, Arthur, Edna P., Bruce F. and George H. F. Akins as citizens by blood. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 11, 1902.

By Francis M. Dawson, Jr., son of Francis M. Dawson and [illegible] of Nowata, at Nowata, Indian Territory, on October 11, 1900, for the enrollment of himself as a citizen by blood.

D 835 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

462 By John W. Dawson, at Vinita, Indian Territory, on September 1, 1900, for the enrollment of himself as a citizen by [illegible] and for the enrollment of his wife Minnie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

[illegible] By Charles J. Newman, for the enrollment of [illegible] Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 17, 1902.

[illegible] By John Dawson, at [illegible], Indian Territory, on [illegible], 1900, for the enrollment of himself and his minor children Robert B., Iola M., Lemuel E., [illegible], Charles T., Walter [illegible], Jennings B. and James E. Dawson as citizens by blood, and for the enrollment of his wife Sarah J. Dawson as a citizen by intermarriage. November 20, 1901, an affidavit was filed for Lemuel E. Dawson, a minor child of the [illegible] applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, December 26, 1902.

[illegible] By Thomas F. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his wife Mariah J. Dawson as citizens by blood.

[illegible] By Lula A. Dawson, at Vinita, Indian Territory, on [illegible], 1900, for the enrollment of herself and her minor children [illegible] A. Dawson as citizens by blood. An affidavit was filed for Jessie F. Dawson, a minor child of the applicant.

[illegible] By Robert Dawson, at Vinita, Indian Territory, on [illegible]

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 4 9 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 441 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 421
D 422 By John R. Gray, at Vinita, Indian Territory, on September 28, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Ona Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (nee Effie Akins), as citizens by blood. John R. Gray is incorrectly classified and is not embraced in this decision. Other proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 12, 1902, an affidavit was filed showing the birth of Velma Gray, a child of the applicant.

[illegible]

D 526 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Ancil F. Dawson, a fourth child of the applicant.

D 532 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.

D 533 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 5, 1900. On October 31, 1900, an affidavit was filed for Elmer H., born since the date of this application.

D 534 By James F. Blasingame, at Chelsea, Indian Territory, November 20, 1900, for the enrollment of his wife [illegible] minor children, William A., [illegible] by blood, and for the enrollment of [illegible] a citizen by intermarriage. [illegible] vit was filed showing the birth of [illegible] child of the applicant. [illegible] the matter of said application at [illegible] October 5, 1900.

D 609 By Sarah J. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of application at Muskogee, Indian Territory, on October 15, 1901.

D 610 By Richard W. Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor child Ina M. as citizens by blood, and for the enrollment of his wife Luella as a citizen by intermarriage. Luella Dawson is erroneously classified and is not embraced in this decision. Further proceedings were had in the matter of a re-application at Muskogee, Indian Territory, on April 9, 1902.

By Ella L. Spicherman, at Nowata, Indian Territory, October 15, 1900, for the enrollment of herself and [illegible], Helen J. Spicherman, as citizens by blood, and for the enrollment of her husband, John J. Spicherman as a citizen by intermarriage. John J. Spicherman is not embraced in this decision. [illegible] as filed for William Glen [illegible] applicants.

By Marcia M. Wilson, [illegible] Territory, October 15, 1900, [illegible] citizen by blood.

By John F. [illegible] for the enrollment [illegible] Territory, on October 15, 1900.

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1128 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1129 By James Neal, at Muskogee, Indian Territory, on February 27, 1901, for the enrollment of his wife, Joe Willis Neal, as citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1130 By James M. Graham, at Muskogee, Indian Territory, on February 27, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Lillie and Margaret Graham, as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of the application.

D1131 By Greer T. Jackson, at Vinita, Indian Territory, on September 28, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife and minor children as citizens by blood.

D1132 By James T. Garner, at Vinita, Indian Territory, on [illegible], 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife and minor children, Willie F., Ethel, [illegible], as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on [illegible], 1902.

D1133 By Fannie L. Jackson, at Vinita, Indian Territory, on December 7, 1901, for the enrollment, under Section 21 of the Act of March 3, 1901, of herself and her minor children as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on December 7, 1901.

D1134 By Lizzie Fennell, at Pryor, Indian Territory, on November 19, 1901, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children as citizens by blood, Willie, Jessie, Mary and Lizzie Jackson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 7, 1902.

D1135 By William T. Lewis, at Chelsea, Indian Territory, on December 26, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Nellie and his minor children Birdie E. and Myrtle Lewis as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 7, 1902.

D1136 By James Lewis, at Chelsea, Indian Territory, on December 26, 1901, for the enrollment of himself and his minor children, Willie, Roberta and Rena Lewis as citizens by blood.

1405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.

1406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1901, an affidavit was filed showing the birth of Wilburn E. Woolley, second child of the applicant.

1407 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife K. ~~minor children Delia F. and Viola T. Richardson and his step~~ [illegible], Edgar, Walter, Alice, Laura, Oscar, Clarence, [illegible] and Clarence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein (Florence Morgan (b - 737). Further proceedings were had on said application at Muskogee, Indian Territory, on October 3, 1901, and on August 25, 1902, a birth affidavit was filed showing Walter T. Richardson, born to Henry T. Richardson and his wife, since the date of the application.

[illegible] By Ella Power, at Fairland, Indian Territory, on July 11, 1900, for the enrollment of herself as a citizen by intermarriage.

[illegible] By William A. [illegible], at [illegible], on [illegible], 1900, for the enrollment of himself as a citizen by intermarriage.

Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

[illegible] By Lucy Pettit, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had on the said application at Muskogee, Indian Territory, on October 14, 1902.

[illegible] By Thomas B. Freeman, at Vinita, Indian Territory, on October 10, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Lucy A. Freeman and the minor children [illegible] as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902.

[illegible] By Robert J. Morgan, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of his wife Florence Morgan as a citizen by blood. On March 27, 1901, an affidavit was filed showing the birth of a child, a female child of the applicant.

D 845 By John E. Fishback, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 979 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1902, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Choctaw Nation, in the possession of this Commission show that on January 11, 1897, one Robert Dawson and his adult children, F. [illegible], Elbert Dawson, Homer Dawson, Mollie [illegible], Tilden [illegible], [illegible], Phil Dawson, Josephine [illegible], [illegible], [illegible] and [illegible] were entered in pillowcase 1 of the records of the Choctaw Nation, under Act of Congress approved June 10, 1896, and that in addition to [illegible] the Commissioner to Five Civilized Tribes [illegible] Dawson and [illegible] Dawson, [illegible] Dawson, [illegible] Dawson,

Dawson on the pay roll of 1886, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have interrarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 724, D [illegible], D 561, D 564, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him [illegible] 21, 1880. The Cherokee Supreme Court in the case of Thomas Vann vs. Nancy Rogers and Melissa Dawson vs. F. A. [illegible] held that a white woman married to a Cherokee Indian at the time [illegible] to citizenship acquired thereby the rights of [illegible] and the children born to her and her husband were entitled [illegible] the rights of said Francis M. Dawson, [illegible] the benefits under the terms of the Cherokee Agreement. All [illegible] are identified on the Dawes Commission Roll of [illegible].

[illegible] Dawson, William A. Dawson, Lizzie Atkins, [illegible] Dawson, Edward F. Dawson, Jr., and Arthur A. Dawson are the children of Frank M. Dawson by a former wife, Julia Ann. They were born in the state of their father's citizenship, [illegible]. Lizzie Atkins and Frances M. Dawson, who are identified on the Cherokee roll of 1896, and William A. Dawson and Arthur A. Dawson are identified on the Cherokee census roll of 1896.

Lizzie A. Atkins was married after a [illegible]

and in accordance with the laws of the Cherokee Nation on March 29, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Lee Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1900, where they were living at the time of this public town. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Intermarried roll of 1896.

Paragraph 9, Section 11, of the Act of Congress approved June 28, 1906 (34 Stats., 494) provides:

"No person shall be admitted to said tribes who has not heretofore removed to and is not found within the limits of said tribes before said time, except children born within said time to parents lawfully domiciled within the Cherokee, Choctaw, Chickasaw, Creek or Seminole Nations, and such children and their descendants may be admitted to tribal rights by application to the Commission herein provided for, and not otherwise."

The evidence further shows that Francis M. Dawson, the wife, Lizzie and Minnie F. Dawson, Francis T. Dawson, Jr., and Lizzie Allred have resided in the Cherokee Nation since 1891, and Arthur C. Allred, the husband of said Lizzie Allred, since 1893, and that John E. has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the above named members is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 352, D 358, D 365, D 482 and D 402.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Mate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert M. Dawson, Josephine Bilansky, formerly Josephine Dawson, John W. Dawson, [illegible], [illegible] Dawson are the children of said Samuel R. Dawson. They were born at the date of their father's admission to citizenship, [illegible] all identified on the Cherokee [illegible] roll of 1896.

Sarah F. Dawson, nee Arnett, was married to the said Samuel R. Dawson 18 October, 1894. She was living [illegible] and children were married. Ralph E., Arthur and Pearl Dawson are the issue of said marriage. Sarah F. Dawson is identified [illegible] on the Cherokee Census roll of 1896. Alfred is identified by a birth affidavit on file with this commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bilansky, who married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 22, 1901, to the said Josephine Dawson, [illegible] and his wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The

four older children are identified on the Cherokee Census roll of 1896, and the Strip payment roll of 1894. Ray Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Mannie Dawson, nee Baugher, was married to the said John W. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Kittie Newman have resided in the Cherokee Nation since 1886, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Mannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and [illegible] through him and embraces cases numbered D 570, D 570 and D 570. The evidence shows that John Dawson is the only person admitted to citizenship in the Cherokee Nation. As hereinbefore stated, Sarah J. Dawson, nee Reed, his wife, a white woman, was married to him on October 4, 1871. The Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and William Dawson vs. W. A. [illegible] held that a white woman married to a Cherokee Indian at the time of the enactment to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and the seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Ella E. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Marion J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Ollie York, and Burr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children hereof is considered to be that of their parents, with whom they are living.

Group IV, including the applicants in three citizen, through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The proof of record shows numbered D 468, D 469, D 471, D 472, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Sam Berry, formerly Sam Pierce, Ellis Pierce and Ollie Allen, and Nancy J. Doyle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 14, 1894. She has since died, and subsequent to her marriage, and previous her death Nellie Pierce was the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

Ora Gray was married to John B. Gray on April 7, 1898, and Cecil and Velton Gray are the issue of that marriage. Ora Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles L. Pierce, Nancy J. Bogle and Ora Gray have resided [illegible] since 1894; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided [illegible] ever since they were married, and the residence of the minor children appears to be that of their parents [illegible]. It appears that Nellie Akin was [illegible] years old at the date of the application for her enrollment. It further appears that she resided in the Cherokee Nation from about June 15 to December, 1901, when she went to Colorado, and married James M. Akin, and has been living in that state with her said husband.

Items V, including the application of the said Joseph Dawson, William Dawson and James Dawson, and enrollment cards numbered 3 [illegible], 3 481 and 3 524.

Joseph D. Dawson is identified as the Joseph Dawson [illegible] citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jenkins on May 24, 1896, and they have lived [illegible]

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four elder children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with the Commission.

[illegible] is identified as the person [illegible] admitted to citizenship in the Cherokee Nation as hereinbefore stated. He [illegible] on the Cherokee Census roll of 1896.

[illegible] Dawson is admitted to [illegible] Her wife, Martha A. [illegible] and their [illegible], with her and [illegible], and the four children [illegible] Dawson [illegible] application [illegible] on the Cherokee [illegible].

[illegible] Dawson, [illegible] Dawson, [illegible] Dawson, [

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation [illegible] the younger children have resided in said nation all their lives.

[illegible]

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1892 and have remained [illegible] ever since. The residence of the minor children included in the [illegible] considered to be that of their parents, the same [illegible].

Group VIII, [illegible] children of [illegible] and said Elbert Downum, and [illegible]

The evidence [illegible] Downum, formerly Bennett, William [illegible] Downum, Robert L. Downum, Albert L. Downum, Richard [illegible] Ella L. Bennett, [illegible], and Lucinda Downum are the children of the said Elbert Downum. All [illegible], except the said Lucinda M. Downum, were living at the time [illegible] the Cherokee Nation. [illegible] Downum is identified on the Cherokee Census roll of 1896, and William [illegible], Robert L. Downum, Albert L. Downum and Richard [illegible] on the Cherokee roll of 1896. An examination of the records [illegible] the enrollment of this last named [illegible] said Ella L. Bennett is also identified on the Cherokee roll of 1896.

Martin L. Patterson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Zona Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert E. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

[illegible] married to [illegible] Elbert Dawson about 1894, and lived with him as his wife until his death in February, 1899, and [illegible] remarried since his death. The Cherokee Supreme Court in the case of Cherokee Nation vs. Lucy Vann and William Vann et. al., [illegible] that [illegible] married to a Cherokee Indian at the time of his allotment is a Cherokee Indian by blood, and [illegible].

[illegible] married to [illegible], a white man, on January 24, 1900. [illegible] and the [illegible] identified by a birth affidavit on file with this Commission.

[illegible] married to [illegible], a white man, on September 7, 1897. [illegible] are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Frances A. Dawson, wife of Elbert Dawson, at the time of the father's application to citizen-

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

> "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884. Robert L. Lawson, Albert E. Lawson, Sarah J. Dawson, and Ella [illegible] since 1881, and Martin L. Patterson since 1886. The enrollment of the minor children included in this group is [illegible] their parents, with whom they are living.

[illegible] the evidence [illegible] Missouri [illegible] Dawson [illegible] John W. [illegible], but are married [illegible] years. This [illegible] Ella, Lillie and Willie.

The evidence [illegible] married [illegible] Arkansas [illegible] and in accordance with the laws of the Cherokee Nation on account of the said Missouri Dawson, [illegible] and has lived with and [illegible] Robert A. Dawson are the issue of the [illegible] John W. Drake. His wife and two children are identified on the Cherokee census roll of 1896.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section [illegible] the Act of Congress approved June 28, 1898 (30 Stats., [illegible] provided for the enrollment of

"All persons who have been enrolled by the tribal authorities of the [illegible] will [illegible] permanent settlement in the Cherokee [illegible] parents, by reason of their Cherokee blood have [illegible] to tribal membership by the tribal authorities, [illegible] be entitled.

[illegible] Dawson, William T. [illegible] under [illegible] to the Cherokee Nation [illegible] on the [illegible] Dawson, [illegible] children [illegible] to the rolls of their parents.

[illegible] Dawson [illegible] Act of June [illegible] Act, [illegible]

[illegible] Dawson [illegible] Cherokee Nation [illegible] Dawson [illegible] Dawson [illegible] Dawson

Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William C. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 3, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the affiliation of said James M. Graham, are hereinbefore named, are the issue of the said marriage. The eldest said [illegible] is identified in the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said James M. Graham, his wife Missouri Graham, [illegible] Viola A. Painter, [illegible] Georgia A. Painter, [illegible] Graham and Joe E. Graham have resided in the Choctaw Nation since [illegible] and that Joe J. Graham and James [illegible] resided in the Choctaw Nation since 1894. The [illegible] children included in said group is [illegible] and they are living.

[illegible] Graham was married to the said Mary Graham and lived [illegible] with her husband, at the time of her enrollment as aforesaid, as the wife of Joe E. Graham, but she was omitted by [illegible] from the Choctaw roll of Graham. This [illegible] Graham, [illegible] 1 Okl. 1 477, 1 Okl. 1 536, 1 Okl. and 1 84".

The evidence shows that Agnes F. Graham was married under a Choctaw marriage license, and in accordance with the laws of the Choctaw Nation at that time, to one Ed A. Graham. She had been previously married to one [illegible] from whom she was

citizenship. From an affidavit made a part of this record it appears that Green W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Toshie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Toshie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1897, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three minor children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this application.

William S. Lenox was married under Cherokee laws, license, and in accordance with the laws of the Cherokee Nation on April 1, 1899, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Martha E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William S. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Ella Jackson claims to have been married in 1888 to the said William Jackson, as is set forth herein. It appears that William Jackson at the date of his alleged admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission for is defined in Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), hereinbefore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Nicholas Jackson have resided in the Cherokee Nation since 1894, and that William D. Lynn, and the said Pearl Lynn have resided in the Cherokee Nation since 1896. The residence of the minor children included in this group is considered as that of their parents, who have resided [illegible]

[illegible]

The authority of the Commission herein is derived in Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

Group XII. includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Wilbur E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 12, 1894, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1898. On September 23, 1898, Henry T. Richardson married one Fitty Flournoy nee Dawson. The said Fitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for Hattie T. Richardson is the child of the applicant by the first wife, Sellar. Hattie T. Richardson and Jasper E. Richardson are children by the wife Fitty. Edgar, Walter, Alice, Laura, Homer, Claude and Nina Flournoy are the children of the said wife Fitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flournoy was born in 1896 and was living at the date of this application. Delia F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the [illegible] of Texas on September [illegible], 1878. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not remarried since her divorce from said W. A. Dawson.

The evidence shows that Texanna Tooley has resided in the Cherokee Nation since 1884, that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1894, that Lillie T. Dawson has resided in the Cherokee Nation since 1878, that Henry T. Richardson has resided in the Cherokee Nation since 1888, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Irene Hill included the following applications [illegible] J. Tooley, et al D 781, William S. Dawson, D 782, Alonzo M. Fleshood, D 783, Florence Morgan, et al D 787; John B. Fleshood, D 841 and George A. Haley, et al D 871. The persons enrolled on these appli-

cations are related to the above named Dawsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram P. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 13, 1884, to Lula P. Doutnitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 13, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram P. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

[illegible] is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation [illegible] on September 13, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo [illegible] was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May [illegible], 1894, to Lula A. [illegible], formerly married to the said [illegible] in Texas in 1877, and has lived with her ever since. [illegible] was readmitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on October 1, 1894. [illegible], Albert A. and Annie B. Dickson are the issue of the said marriage. Alonzo A. Dickson and his said wife and children are all identified on the Cherokee Census roll of 1896, and the wife is also identified on the Cherokee pay roll of 1880.

Florence Morgan, the wife of Elbert S. Morgan, is the daughter of the [illegible] hereinbefore mentioned and was admitted to citizenship in the Cherokee Nation on December 5, 1894 and the said Ella Dickson as a member of her family. Elbert and Alma A. Morgan are the children of the said husband. The said children [illegible]

identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence [illegible] John E. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1889; that Lola B. Waddle, William H. Dockett, and John E. Fishback have resided in the Cherokee Nation since birth, and that Florence Mabry and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor applicants mentioned in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship admitting Robert Dawson and his family was obtained by fraud on the part of said Dawson.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In United States vs. Throckmorton, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

In September 24, 1901, an application was made to the Cherokee Commission, commonly known as the "Teehee Court" for admission to membership (citizenship) of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians, they could understand, but could not talk English. One J. F. [illegible] Dawson was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. H. Bryan appears to have been an attorney in the case, and after some delay he notified Francis E. Dawson that the case would be taken up by the Commission at its session in January, 1903, and also informed him that C.H. Taylor would look after Dawson's interests as he, Bryan,

would be on Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1885, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tosh Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case but not upon motion of the witness, and rendered a decision admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan will have to treat, and he touched him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

D. B. Taylor testified that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Bacon and Wilkins. He further testifies that W. F. Duncan the Clerk of the Court asked the witness to let him have what any large citizenship cases came up that he introduced F. M. Dawson in person on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a change in your evidence of that was straightened out it will be all right." Next morning witness says Dawson told him to tell up the case would be lost. That there was no additional

evidence introduced and no argument in Dr. and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of [illegible] Taylor represented to Dawson he had [illegible]. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which [illegible] to support the charge of fraud is the [illegible] Taylor, Thomas [illegible] Dr. [illegible] Brought and Dahl testify.

[illegible] judgment adverse to the Dawsons was rendered in the morning of the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commissioner's docket is all on one page, the entry of the application in 1901 and the final settlement being entered under authority of a former Commissioner and by a different clerk, and there is no evidence of erasure on that page. It is not the usual thing for a Court to amend its judgment, and this fact, if it is a fact, is not in itself any evidence of fraud

Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1885, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The cause was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson testified by witness.

Clinkenbeard testifies that he had a talk with Albert Dawson about June, that Dawson told him he had only one witness, Mr. Baker of Arkansas, "an old man 65 or 70 years old who did not know straight up" and that he could give Mr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the cases go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go behind the question of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, that a fraud was practiced and does not prove that Mr. Baker was induced by money to give up his testi-

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved of record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McClennon, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Lewis also testifies that he was an applicant for citizenship about 1891 or 1892, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid the citizens three hundred dollars, and made arrangements with the Court to get the balance at one hundred dollars a family. Will Leftwich testifies that he had a talk with old James Lewis in 1894, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can safely be argued that such evidence is sufficient to show that the members of the Dawes Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be brought that such moneys were used for fraudulent purposes and the burden is the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him at Clerk under authority of the Commissioners present, the two full Bloods being unable to sign their names. [illegible] testified that he signed the original transcript of the judgment, about two weeks after the rendition. The question, however, is not considered to be very material. The signing of judgments by [illegible] appears to have been a matter of routine duty. [illegible] testifies that he examines the Dawson case and considers the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knows.

[illegible] evidence has been introduced in the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. Those were questions presented, considered and passed upon by the Tecumseh Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1883, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1883; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1883, there have been Commissions on citizenship vested with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1894, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis M. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jabez L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William P. Dawson, Lizzie Atkins, Arthur Atkins, Anna E. Atkins, Edward C. Atkins, George J. P. Atkins, Francis M. Dawson, Jr., son of Francis M. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel M. Dawson, August Dawson, Nate Dawson, Robert Dawson, Albert L. Dawson, Ralph L. Dawson, Alford Dawson, Josephine Bulaweky, Dora Bulaweky, Ida Bulaweky, Annie Bulaweky, Blanche Bulaweky, May Bulaweky, Oscar Bulaweky, John W. Dawson, Tattie Norman,

(Group III.) John Dawson, Robert B. Dawson, Lola M. Dawson, Samuel M. Dawson, Rosa B. Dawson, Charles B. Dawson, Mattie J. Dawson, [illegible] M. Dawson, James T. Dawson, Virgal C. Dawson, Pierce D. Dawson, Hallie J. Dawson, Orla M. Dawson, Mary E. [illegible], James W. Dawson,

(Group IV.) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Ben Gray, Emil Gray, Felton Gray, Effie Ann [illegible]

Effie Pierce), Fancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,

(Group V) Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson,

(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore,

(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Albert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr , Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame,

(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Albert E. Dawson, Ralph R. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Nellie J. Spickerman, William Glenn Spickerman,

(Group IX) Thomas J. Graham, Sonja [illegible] Graham, Robert L. Graham, Albert Graham, John W. Graham, Willie E. Graham, Francis V. Graham, Mary F. Graham, Jesse F. Graham, Oracle M. Graham, Florence L. Graham, Lavinia A. Painter, Ada B. Painter, Eva P. Painter, Lyle V. Painter, Ray T. Painter, Roberta A. Painter, [illegible] Painter, Florence I. Broadway, Myrtle Broadway, Claude Broadway, Joe E. Graham, William J. Graham, John F. Graham, Nina L. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham,

(Group X) Ella Jackson, Flora Farmer, Lillie B. Hooper, Claud Hodges

Dwight Harmon, William D. Harmon, Tosdie A. Jackson, Fannie Lenox, Dirtie E. Lenox, Myrtle Lenox,

(Group XII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Witty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Draper,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Pontnitt, Laverna A. Fishback, William A. Fishback, Annie L. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John F. Fishback, Nina Mabry, Roby Mabry, and Marion Mabry.

[illegible] should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section Thirty-one of the Act of Congress approved June 28, 1906, and that

(Group I) [illegible]

(Group II) [illegible]

(Group III) [illegible]

(Group IV) Nellie Pierce, John T. Doyle,

(Group V) Florence [illegible] A. [illegible],

(Group VI) [illegible],

(Group VII) [illegible],

(Group VIII) [illegible],

(Group IX) [illegible],

(Group X) [illegible],

(Group XI) Willie T. [illegible],

(Group XII) [illegible]

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis [illegible] Dawson, son of Albert Dawson, (embraced in D [illegible]); [illegible] Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D [illegible]), James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William [illegible], (embraced in D 837), and George A. Mabry (embraced in D 971) as citizens by intermarriage of the Cherokee Nation should be [illegible] in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Thorne (D 838) and Cecil Dawson (D 836) and Green W. Jackson (D 837), died prior to December 1, 1902. It further appears from affidavits made a part of this record that Libbie and Margaret Graham (D 1119) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Thorpe, Cecil Dawson, Green W. Jackson, Libbie Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) [illegible]
Attorney Assistant.

(Signed) [illegible]
Commissioner.

(Signed) C. R. [illegible]
Commissioner.

Dated at Washington, D.C. December 29, 1902

(COPY)

Refer in reply
to the following:
Land
13868-1903.
Serial-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Oct. 16, 1903.

COPY

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.,

GROUP VIII.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting Group I of the consolidated case of Francis M. Dawson, et al., applicants for enrollment as citizens of the Cherokee Nation, there is enclosed herewith the record relative to the applicants parties to Group VIII,---

D.408, Group VIII, Page 1.

Martin L. Patterson applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Susan, and their minor children, Sarah A., Martha A., Claude A., Edgar B., Thomas E. and Virgil V. Patterson, as citizens by blood. Virgil V. was born subsequent to the date of his original application and is identified by the affidavit.

D.404, Group VIII, Page 11.

William M. Dawson applies for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Alice Dawson, as an intermarried citizen.

D.421, Group VIII, Page 14.

Robert L. Dawson applies for enrollment as a citizen by blood

D.496, Group VIII, page 16.

Albert R. Dawson applied for the enrollment of himself and his minor child, Ralph K. Dawson, as citizens by blood. The child was born subsequent to the date of his original application, and is identified by birth affidavit.

D.499, Group VIII, page 18.

Sarah J. Dawson applies for the enrollment of herself as an intermarried citizen.

D.517, Group VIII, page 22.

Richard W. Dawson applies for the enrollment of himself and his minor child, Ina E. Dawson, as citizens by blood, and for the enrollment of his wife, Luella Dawson, as a citizen by intermarriage. The Commission states that Luella Dawson is differently classed and is not embraced in its decision.

D.536, Group VIII, page 27.

Ella L. Spiekerman applied for the enrollment of herself and her minor child, Helen J. Spiekerman, as citizens by blood, and for the enrollment of her husband, John J. Spiekerman, as a citizen by intermarriage. She also applies for the enrollment as a citizen by blood of her child, William G. Spiekerman, who was born after her original application. This child is identified by a birth affidavit. The Commission states that John J. Spiekerman has been differently classed and is not embraced in its decision.

D.617, Group VIII, page 41.

Francis M. Dawson applies for the enrollment of himself as a citizen by blood.

The record in this case shows that Martin L. Patterson, (Group VIII, page 1), was married July 15, 1890, to Zona Patterson nee Dawson, daughter of Elbert Dawson, who was admitted by the Tahoe Court, January 11, 1894. The marriage was performed in accordance with the laws of the Cherokee Nation. Zona Patterson nee Dawson was a minor when her father was admitted. Zona Patterson's name appears on the 1896 census roll, as does the names of Martin L. Patterson, Sarah A., Bertha and Claude (A.) Patterson. Edgar D., Thomas V. and Virgil V. Patterson are identified by birth affidavits.

William C. Dawson, (Group VIII, page 11), is a son of Elbert Dawson, who was admitted January 11, 1894. He was a minor when his father was admitted. He was married to Alice Dawson, November 10, 1900. He is identified by the 1896 and 1896 rolls of the Cherokee Nation. From the record it does not seem that the name of his wife is found on any of the rolls of the Cherokee Nation.

Robert L. Dawson, (Group VIII, page 16), is a son of Elbert Dawson who was admitted January 11, 1894. He was a minor when his father was admitted.

Elbert L. Dawson, (Group VIII, page 14), is the son of Elbert Dawson who was admitted January 11, 1894. He was a minor when his father was admitted. February 14, 1900, he was married to Cora Wright, a Cherokee citizen. His name appears on the 1896 roll, but is not on the 1896 roll.

Sarah J. Dawson, (Group VIII, page 10), is the widow of Elbert Dawson, who was admitted January 11, 1894. The applicant's husband is identified by the 1896 payroll of the Cherokee Nation. It does not appear from the record that she seem to on any roll of the Cherokee Nation.

Richard W. Dawson, (roll, VIII, page ...), is the son of Albert Dawson who was admitted January 11, 1[illegible]. He was a minor when his father was admitted to citizenship. He was married to Luella Dawson, a white woman, January [illegible], 1[illegible].

Ella [illegible]. Dawson, (roll, VIII, page [illegible]), is the daughter of Albert [illegible], who was admitted in [illegible]. She was a minor when her father was admitted to citizenship. [illegible], 1[illegible], she was married to [illegible]. Dawson, a white man. She is identified by the 1896 roll.

Francis [illegible]. Dawson, (Group VIII, page 31), is a son of Albert [illegible], who was admitted January 11, 1[illegible]. He was of age when his father was admitted, as it appears that it was not until he was admitted to citizenship. From the evidence it does not seem that Francis [illegible]. Dawson's name is found on any roll of the Cherokee Nation. He could not be identified in [illegible] admitted in 1[illegible]. It appears that he and his family have [illegible] citizenship by the Cherokee tribal authorities [illegible].

It is contended that Tuna Patterson, William C. Dawson and Luella Dawson, have resided in the Cherokee Nation since 1880. Robert C. Dawson, Albert [illegible]. Dawson, Sarah [illegible] Spiegelberg, have resided within [illegible] since 1[illegible]. Albert [illegible] resided in the Nation since 1[illegible] and married [illegible], [illegible] 1[illegible].

The Commission [illegible] December 12, 1[illegible], held that all of the [illegible] to this [illegible], except Luella Dawson and [illegible]. Spiegelberg, who are differently situated, and Francis E. Dawson (Group VIII, page 31), were entitled to [illegible] citizens of the Cherokee Nation [illegible]. Patterson, Alice Dawson and Sarah J. Dawson, as citizens by intermarriage and the others as citizens by blood.

For the reasons set forth in office report of even date, treating Item I of this consolidated case, the approval of the Commission's decision is recommended, except in so far as it relates to Curtain, Patterson, Alice Dawson and Parker C. Dawson, who apply for enrollment as intermarried citizens. The question submitted to the Court of Claims not having been passed upon by the Court, their applications should not be considered at this time. The right of Francis M. Dawson to enrollment as a citizen by blood will be discussed herein.

August 31, 1906, Errett P. Scott and W. W. White, attorneys for this city, filed a brief on behalf of applicant Francis M. Dawson, for enrollment as a citizen by the Cherokee Nation. In their letter it is said that a copy of this brief has been forwarded to the attorney for the Dawson family, W. H. Leecraft, Esq. Mansfield & White in their brief state that Francis M. Dawson is a son of Robert Dawson, who was admitted to citizenship in the Cherokee Nation, August 31, 1880, and that at that time the latter was about 21 years of age. They claim that his father applied for readmission February 24, 1880, and that Francis M. Dawson was at the date of this application less than 21 years of age that he has resided in the Cherokee Nation from the time of his father's admission, and they take the position that the only reason the Commission gives for refusing his enrollment is that he was more than 1 year and less than 21 years of age at the time of his father's admission. The statement is made that "this case is more than every case since his father's admission. He was born in the Cherokee Nation and has resided there except in exceptional cases." They claim that under Section 2, of the Treaty of 1866, Article 9, and by Constitution, and the opinion of the Assistant Attorney General in the Jesse B. Bailey case of June 11, 1906, Francis M. Dawson is entitled to enrollment as a citizen of the Cherokee Nation.

From the record it does not appear that the name of Francis M. Dawson is found on any rolls of the Cherokee Nation. The Commission, in what is understood to be its field decision or field note, says: "He is not identified on any roll since that time," meaning the date of his father's admission. In this decision or note it is also said: "The application for admission is shown by the document cited to be dated January 4, 1841, and giving the applicant the benefit of the opinion that the fact of admission would date from the application, he was a minor at that time.

In the brief of Kimball & White it is alleged that Elbert Dawson applied "for admission February 24, 1840." There seems to be considerable doubt as to the exact date Elbert Dawson made application for admission for citizenship in the Cherokee Nation, but from the records it appears the true date is September 24, 1841. By the supplemental testimony it is shown that the application of Elbert Dawson et al., for admission to citizenship was "filed September 24, 1841."

Francis M. Dawson, October 17, 1900, (Group VIII, page 31), testified among other things that he was 59 years of age "on the last day of December last," meaning December 31, 1899. If this be true, and if the correct date of the application of his father, Elbert Dawson, is September 24, 1841, Francis M. Dawson was 20 years 8 months and 23 days old at the date of his father's application. The office believes that the date of admission should be held to relate back to the date of the application. There is nothing in the record which shows that Elbert Dawson, or any of the other applicants of 1841, were asked in 1851 whether any of their children had arrived at the age of majority.

In view of the foregoing, it is respectfully recommended that

the decision of the Commission as to Francis M. Dawson be not approved, and that the Commission be directed to enroll him as a citizen of the Cherokee Nation by blood, unless there be some reason which does not appear in the record why the same should not be done. There seems to be no question but that he is of Cherokee blood.

Very respectfully,

W. C. Rogers,

Commissioner.

I.T.D. 7442-1903
7456- "
7904- "

(COPY)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.M.
J.P.
WHE

LRS

March 31, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 20, 1904, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation.

In your decision of November 23, 1903, you disposed of the applications in the Dawson case by groups. Group VIII, as disposed of by you, includes the applications of those persons who claim enrollment by virtue of their descent from Elbert Dawson, who was admitted to Cherokee citizenship by decree of the Tahlee Court dated January 11, 1880. These applications are designated by you as D.425, D.604, D.605, D.607, D.609, D.617, D.[illegible], and D.[illegible].

It appears that the principal applicants in this group, claiming enrollment by blood, viz: Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert C. Dawson, Richard B. Dawson, Ella L. Spielman, formerly Dawson, and Francis B. Dawson, are the children of the said Elbert Dawson. All of them except the said Francis M. Dawson were minors at the time of their father's admission to citizenship.

The application of Martha L. Patterson, D.425, was for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Zona Patterson, and his six minor children, Sarah A., Martha A., Claude A., Hazel L., Thomas H., and Virgil V. Patterson, as citizens by blood of the Cherokee Nation. The said Martin L. Patterson was married July 15, 1900, in accordance with the laws of the Cherokee Nation, to the said Zona Patterson, nee Dawson. He has resided in the

nation since his marriage, and the six children named above are the issue of said marriage. His name, and the names of his three older children, are on the Cherokee census roll of 1896. The three younger children are identified by birth affidavits. Zona Patterson, nee Dawson, is also identified on said roll, and has resided in the Cherokee Nation since 1884.

Willis C. Dawson, D.604, applied for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Alice Dawson, as a citizen by intermarriage of the Cherokee Nation. He is identified upon the strip payment roll of 1894, and has resided in the nation since 1884. He was married November 13, 1898, to the said Alice Dawson, nee Alexander. She has resided with him since their marriage.

The application of Robert L. Dawson, D.606, was for the enrollment of himself as a citizen by blood of the Cherokee Nation. He is identified on the strip payment roll of 1894, and has resided in the nation since 1884.

The application of Elbert . Dawson, D.608, was for the enrollment of himself and his minor child, Ralph E. Dawson, as Cherokees by blood. Said Elbert D. Dawson is identified upon the strip payment roll of 1894. His son is identified by a birth affidavit. The father has resided in the nation since 1884. On February 16,1898, he married Cora Wright, a non-citizen, who is the mother of said child. It appears, however, that no application was made for her enrollment under this title.

The application of Sarah J. Dawson, D.609, was for the enrollment of herself as an intermarried citizen of the Cherokee Nation. In 1884 she married the said Elbert Dawson, and lived with him as his wife until his death in February, 1898. Since then she has not married. She has resided in the nation since 1884.

The application of Richard W. Dawson, D.617, was for the enrollment of himself and his minor child, Ina K. Dawson, as citizens by blood and for the enrollment of his wife, Luella Dawson, as a citizen of said nation by intermarriage. The latter is differently classified and is not embraced in this decision. Said Richard W. Dawson is identified upon the 1924 strip payment roll, and has resided in the nation since 1898. January 24, 1899, he married Luella Dawson. Ina K. Dawson, who is identified by a birth affidavit, is the issue of this marriage.

The application of Ella C. Stockerman, D.646, was for the enrollment of herself and her minor children, Helen J. and William C. Stockerman, as citizens by blood, and for the enrollment of her husband John J. Stockerman, as a citizen by intermarriage of the Cherokee Nation. His application is differently classified and will not be considered herein. The said Ella C. Stockerman, nee Dawson, is identified on the strip payment roll of 1924, and has resided in the nation since 1889. Said children are identified by birth affidavits.

The application of Francis [illegible] Dawson, D.618, was for the enrollment of himself as a citizen by blood of the Cherokee Nation. He was disenrolled from [illegible] the other principal claimants by blood, in that he was not living at the date of his father's admission to citizenship. It appears, however, that the petition for the enrollment of his father, Robert Dawson et al., was filed when he was a minor. The exact date when said petition was filed is uncertain. The indorsement thereon fixes the date of the petition one December 24, 1902. The fact that the petition bears a still earlier date. It is explained by the applicant and by his attorneys that his name is borne upon various tribal rolls. It does not appear from the record, however, that such is the fact. He states that he has resided in the nation "ever since 1898", and that he does fully know "all circumstances."

In his report of October 16, 1903, relative to this group, the Commissioner of Indian Affairs calls attention to that portion of the evidence which shows that the applicant was a minor when the petition for the enrollment of his father was filed, and expresses the opinion that the admission of his father (construed as including his minor children living with him) should be considered as taking effect from the date the petition was filed.

In your decision of December 23, 1904, in which you refused to enroll this applicant, you make no reference to this aspect of the case. It is observed, however, from the field notes as they appear in connection with the record in this case, that the examiner was then of the opinion that the date of the father's petition might possibly affect the rights of the applicant.

The attorney for this applicant and for the Nation have filed briefs. The attorneys for neither, however, have discussed the rights of the applicant from this standpoint.

It is considered that both parties should be furnished with a copy of the Commissioner's letter relating to this group, and be allowed to be heard in reference to the matter.

From a letter addressed to the Assistant Attorney General for this Department, from Mitchell & White, attorneys for Francis W. Dawson, jr., dated February 1., 1904, it appears that under date of January 14, 1904, you wrote said attorneys as follows:

"You are advised that the 1894 pay roll does not contain the name of such a person as Francis W. Dawson. There does appear upon that roll, however, the name of one Charles Dawson, and it is possible this is the same person."

Although not addressed to the Department, it was considered that your letter should be received as authentic evidence of the matters stated therein. It is believed, in view of the statement contained in

said letter and from the testimony of Francis Marion Dawson, referred to above, that an adjudication of his case upon the record as it now stands would be untimely and inadvisable.

In your decision of December 22, 1902, you held that all of the applicants were entitled to enrollment except Francis M. Dawson. The Commissioner of Indian Affairs concurred in your recommendation respecting those applicants claiming by blood, except as to him, and also recommended his enrollment. As to those applicants claiming by intermarriage the Commissioner recommended that no action be taken at present.

The Department concurs in the recommendation of the Commissioner as to all of the applicants, except Francis M. Dawson. The record in his case is herewith returned for further investigation in accordance with the suggestions herein contained.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, claiming that their enrollment was obtained through fraud. In this connection see opinion of the Assistant Attorney General of February 10, 1904, relating to the Dawson case, a copy of which was sent you February 24, 1904.

A copy of Indian Office letter of October 15, 1903, relating to the matter, is also inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

Inclosures.

(ETC)

Cherokee
D 609

Muskogee, Indian Territory, December 18, 1906.

Sarah T. Dawson,

Talala, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior December 4, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

Encl. W-43.
T. B.

Commissioner.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. S. McKennon,

Attorney for Katie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. W-10
S. F.

Cherokee
D 524 et al.

Muskogee, Indian Territory, December 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Hattie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. W-11
S. W.

(COPY)

D.C.53540-1906. Y.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.7442,7444,
7446,7448,
7450,7452,
7454,7456,
7458,7462,
7464,7466,
7906-1903.

December 4, 1906.

L.H.W.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

I am in receipt of the decision of the Supreme Court of the United States in the case of Daniel Reed et al., citizens of the Cherokee Nation by blood, and Francis [illegible] et al, claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Nellie Dawson, Arlena [illegible] Atkins, Catherine Dawson, Sarah J. Dawson, [illegible], Bessie Harris, Sarah J. [illegible], Nellie Pierce, [illegible], Eleanor [illegible], Artha A. [illegible], Sterling T. Moore, Ida Washington, Mary A. [illegible], Martin V. Anderson, Alice Dawson, Sarah J. Dawson (Kilpatrick Case), Ethel T. Dawson, Elizabeth Kramer, [illegible], Bessie Kramer, James M. Dawson, William L. Lenox, Willie E. Anderson, Henry T. Richardson, [illegible] Dawson, [illegible], Alonzo V. [illegible], Nannie Anderson, and George A. Embry, all citi-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1905, submitting the record in the consolidated case of Francis V. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 13, 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

2 inc. to I.T.D.

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Cher R 1136

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 16 1900

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date [illegible] 1900.

Name [illegible]

District [illegible] Year [illegible] Page [illegible] No. [illegible]

Citizen by blood [illegible] Mother's citizenship [illegible]

Intermarried citizen [illegible]

Married under what law [illegible] Date of marriage [illegible]

License [illegible] Certificate [illegible]

Wife's name [illegible]

District [illegible] Year [illegible] Page [illegible] No. [illegible]

Citizen by blood [illegible] Mother's citizenship [illegible]

Intermarried citizen [illegible]

Married under what law [illegible] Date of marriage [illegible]

License [illegible] Certificate [illegible]

Names of Children

Dist [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
Dist [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
Dist [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
Dist [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
Dist [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
Dist [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
Dist [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
Dist [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
Dist [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]
Dist [illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Age [illegible]

Department of the Interior
Commission to the Five Civilized Tribes.
Nowata, I. T., October 16, 1900.

In the matter of the application of Martha E. Connor for the enrollment of herself and children; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Martha E. Connor.
Q How old are you? A 32.
Q What is your postoffice? A Coffeyville, Kans.
Q What district do you live in? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself and children.
Q Have you a husband? A My husband's dead; he died in '97.
Q How many children? A Six.
Q Are you a Cherokee by blood? A No sir.
Q By adoption? A Citizen by marriage.
Q When were you married? A In '83.
Q To whom were you married? A Alexander Connor.
Q He was a Cherokee? A He was a registered Delaware.
Q When did he die? A He died in '97.
Q Did you and he live together as husband and wife from the time of your marriage until his death? A Yes sir.
Q Were you ever married except to him? A No sir.
Q Was he ever married except to you? A Yes sir.
Q Was his former wife dead when he married you? A Yes sir.
Q What was the name of his former wife? A Lizzie.
Q When did she die? A She died in '83.
Q Before your husband's marriage to you? A Before my marriage to him.
Q Give me the names now, please, of your six children? A Albert A. Connor.
Q How old is he? A 17.
Q Next child? A Annie F.
Q How old is she? A She will be 15.
Q Next child? A Clara E.
Q How old is she? A 13.
Q Next child? A Ella M.
Q How old is she? A 11.
Q Next child? A Rose M.
Q How old is she? A She's 9 years old.
Q Next child? A Jennie M.
Q How old is he? A Three.
Q Have you a certificate of the birth of this child? A Yes.
Q Have you a certificate of marriage? A Yes sir.

[illegible] page 87, [illegible], Alex Connor.
[illegible] page 364, 6170, Alex Connor.
[illegible] page 364, [illegible], Martha E. Connor,
[illegible] page 364, [illegible], Albert A. Connor
[illegible] page 364, [illegible], Annie F. Connor.
[illegible] page 364, [illegible], Clara E. Connor.
[illegible] page 364, [illegible], Ella M. Connor.
[illegible] page 364, [illegible], Rose Connor.

The applicant presents an illegible certificate of marriage showing that she and her husband as stated by her were married on Aug. 28, 1883, by the Rev. William Adams. They were married near Atoka, I. T. This is returned to the applicant.
Q How long did you husband live in the Cherokee Nation? A Some eight or ten years prior to this country.
Q What tribe of people? A I guess as they would have it '64.
Q He lived here from that time until he died? A Yes sir.
Q Did you live with him from the time of your marriage until his death? A Yes.
Q Went from Cooweescoowee to live in the Cherokee Nation? A Yes sir.
Q Have you remained since his death? A No sir.
Q How many children a citizen husband? A Six sir. No one registered Cherokee.

2- M. E. C.

Representative J. Baugh of the Cherokee Nation-

Q Was your husband a Delaware by blood? A Yes sir.
Q Do you know him to be such? A Of course, I never knew him ever since he was born.
Q Didn't know it from him that he was a Mexican? A No sir.
Q Your daughter stated awhile ago that he was a Mexican? A I never knew him any other way than a registered Delaware. He drew Delaware money.

Commissioner-
Q Did he have some Mexican blood in him? A He might have.

J. Baugh.

Q You never knew he was a Mexican? A No sir.
Q You never heard anyone say he was a Mexican? A I never heard the Delawares say he was a Mexican.
Q Did you ever hear the children say that he was a Mexican? A I don't know how they could know it; I don't know he was a Mexican.

Commissioner-
Q Did you ever hear your children say so? A I heard the children heard that; but they never knew it was the truth. They heard people say so. They did not know; they were not citizens; the ones that said so.

Witness, Henry Armstrong, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Your name? A Henry Armstrong.
Q Your age? A 54.
Q Your postoffice? A Goodie's Bluff, I. T.
Q How long have you lived in the Cherokee Nation? A Ever since '66.

Representative Baugh to witness:
Q Were you acquainted with Alex Conner, the husband of this lady here? A Yes sir.
Q What was he? A Old John Conner's he brought the boy from the Comanche's out west here when he come to Kansas, that was about '57.
Q What did you understand Alex Conner to be, of what blood? A A Mexican.
Q You never knew him to be a Delaware by blood? A No sir.
Q He came here with your people? A Yes sir.
Q He married a Delaware prior to coming here? A Yes sir.
Q That is how he happened to come here? A Yes sir.

Witness, Simon Love, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q What's your name? A Simon Love.
Q Your age? A 48.
Q Your postoffice? A Claremore.
Q How long have you lived in the Cherokee Nation? A Ever since '66.

J. Baugh, representative of the Cherokee Nation-
Q Were you acquainted with Alex Conner? A Yes sir
Q The husband of this woman? A Yes sir.
Q How long did you know him? A Ever since I was raised.
Q What was he? A I understood that he was a Mexican.
Q How long has he lived in the Delaware tribe? A As long as I [illegible] can remember.

Q He came to this country with the Delawares? A He came with us.
Q Had he married a Delaware woman at the time he came here? A Yes sir.
Q Did he come with the Delawares because he married a Delaware woman? A That's more than I can tell.
Q You understand that is the way he got his rights? A Yes sir.
Q The same as a white man who married a Delaware? A Yes sir.
Q They all came with you the same way, all they not? A Yes sir.

Representative Brough to Henry Armstrong-
Q Do you know whether or not that these children he has had by this last wife have been drawing money or not? A They were out out.
Q And they were refused payment? A Yes.
Q And that was on the ground, he being a Mexican, and marrying a white woman, the children were not Delawares? A That is the way I understand it.

Point on Pay Roll of 1896; No. 220, Alex Conner.
" " " " No. 223, Annie E. Conner
" " " " No. 226, Clara E. Conner.
" " " " No. 227, Ella M. Conner
" " " " No. 228, Echo M. Conner
" " " " No. 224, Albert Conner

The applicant applies for the enrollment of herself and six children. Her husband is identified on the roll of 1880 as a citizen Delaware. Who him on that roll is identified also his wife with as a citizen Delaware. The applicant is shown to be the widow who died in 1887 in 1883, and she states that her husband was dead at that time. She states that her husband has lived in the Cherokee Nation from about 1858 until the time of his death, and that she has lived in the Cherokee Nation ever since her marriage to him, and that she and the children have not removed. The applicant is identified on the roll of 1896 as a citizen. It is contended by the Cherokee representatives that the application's husband was admitted to enrollment in 1880 by reason of intermarriage with a Delaware woman, and that he was not a Delaware Indian. The testimony is referred to in full in connection with this point. For the further consideration of this application, the application for enrollment will be returned to the Dawes Commission.

Application for enrollment of Annie E. Conner, Clara E. Conner, Ella M. Conner, Echo M. Conner and Albert Conner.

The applicant applies for the enrollment of herself and six children. Her husband is identified on the roll of 1880 as a citizen Delaware. Who him on that roll is identified also his wife with as a citizen Delaware. The applicant is shown to be the widow who died in 1887 in 1883, and she states that her husband was dead at that time. She states that her husband has lived in the Cherokee Nation from about 1858 until the time of his death, and that she has lived in the Cherokee Nation ever since her marriage to him, and that she and the children have not removed. The applicant is identified on the roll of 1896 as a citizen. It is contended by the Cherokee representatives that the application's husband was admitted to enrollment in 1880 by reason of intermarriage with a Delaware woman, and that he was not a Delaware Indian. The testimony is referred to in full in connection with this point. For the further consideration of this application, the application for enrollment will be returned to the Dawes Commission. As to the six children named in the testimony, the records show that they are identified on the Cherokee roll of 1896 and they are entitled to enrollment with their deceased father on the Delaware roll; the records being made by order of, and under the supervision of the Secretary of the Interior. These children are all minors and the application for their enrollment will be considered on a separate card for further consideration, they having attained the age of majority. When the Commission is supplied with a certificate of the birth of the younger child, Annie M. Conner, this child may be listed for enrollment on a descendant card as a Cherokee by blood. The final decision of the Commission will be communicated with the applicant at her postoffice address.

Recorded in book [illegible] page [illegible] of the records of this office.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 18, 1900.

D. Del 17.
D. 610.

In the matter of the application of Albert A. Conner et al. for enrollment as Delawares.

In the matter of the application of Martin V. Conner for enrollment as Cherokee by intermarriage.

Additional testimony.

[illegible] Conner, being sworn and examined by Commissioner Bruckner, testified as follows:

Q Give your full name? A Myrtle V. Conner.
Q What is your age? A 27.
Q What is your post office address? A Muskogee, I.T.
Q You are the wife of Alexander Conner? A Yes, sir.
Q You were married to Alexander Conner, a Delaware, did he? A Yes, sir.

By Commissioner Bruckner: [illegible]

Mr. Alexander Conner? A August 15, 1867.

By Commissioner Bruckner: [illegible] and Mr. Conner; [illegible] state their names? A Yes, sir. ([illegible] children given in additional testimony.)

Q [illegible] Conner move to the Cherokee Nation? A Yes, sir, I [illegible] in this country [illegible] I came here in 1898.

Q [illegible] Yes, sir.

Q [illegible] Yes, sir, [illegible] Cherokee Nation.

Q [illegible] admitted into the Cherokee Nation, whether as an intermarried citizen, Delaware citizen, [illegible] Cherokee citizen, or by [illegible] A I understood [illegible] as an intermarried citizen; [illegible] about it.

[illegible] Conner, [illegible] Brockenbrough, testified as follows:

[illegible] A [illegible].

[illegible].

[illegible] Mr. Conner? [illegible].

Mr. Brockenbrough: Were you acquainted with Alexander Conner [illegible] 1898 or thereabouts.

[illegible] off.

[illegible] roll.

[illegible] Yes, sir.

[illegible] No, sir.

[illegible] roll.

[illegible] No, sir.

[illegible] name of Alexander Conner [illegible] roll, but [illegible] copy of the list of [illegible] Cherokee Nation in 1896, a [illegible] representatives. I [illegible] Mr. Cobb there, representative of [illegible] the name of Alexander Conner is on the roll of [illegible]

here in 1867? A I can't say that it is, just simply that name.
Q Just from seeing it on the printed copy? A Yes, sir, I can't say that that is the same man's name.
Q Do you know of your own knowledge that he was adopted in the Delaware Tribe? A I can't say that, I supposed he had married one of the Delawares up north and came with her down here; and he came down here and he married this white woman, his second wife.
Q Isn't it a fact that he is an intermarried citizen of the Delaware Tribe? A Yes, sir.

John V. Kinney, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A John V. Kinney.
Q How old are you? A 68 years old.
Q What is your post office? A Lenapah.
Q Do you live in Coowescoowee district? A Yes, sir.
Mr. Rowe: Are you acquainted with Alexander Conner, during his life time? A Yes, sir.
Q When did you become acquainted with him? A In 18[illegible] living
Q Where did you first become acquainted with him? A [illegible]n, Wyandotte County.
Q Were you acquainted with Conner prior to 1867? A Yes, sir.
Q Do you know his relation to the Delaware Tribe prior to 1867? A I don't know his relation only to call him Conner.
Q What about old man Conner? A He was a merican man by blood an' old man John Conner married him.
Q Do you know whether or not this Alexander Conner was admitted into the Delaware Tribe? A I always understood he was.
Q Of your own what claimed Conner came in the Delaware Tribe?
A The county of 1868.
Q Did he come with the emigration of the Delawares who came [illegible] a reservation called Buffalo and his family.
Q Do you know whether or not Alexander Conner is on the official roll or not as one of the members of the Delaware Tribe in the Cherokee Nation on the 4th day of July, 1902? A That is what I have always understood.
Q Do you know whether or not there was a Conner and his children by the name of Martha E. Conner ever drew Delaware money? A Yes, sir, I have seen them draw it.
Q You may name the last Delaware money? A Yes, sir.
Q Do you know whether or not Alexander Conner was one of the roll of Delawares who came to the Cherokee Nation in 1867? A I always heard it was.
Q I will ask you to state all the children that were members of the Delaware Tribe with what is here? A Eleven.
Q Were either Mr. Conner or Mrs. Conner in the Cherokee Nation? A Very old.
Q I believe you stated he was in in 1867.
Mr. Storm: How do you know that Alexander Conner's name was upon the list of Delawares who came in 1867? A I always heard it did.
Q Just hearsay? A Yes, sir.
Q [illegible] A [illegible]
[illegible]
Q [illegible]
Q Is it not a fact that he is a freedman, a negro, or of the intermarried citizens of the Delawares? A I always understood he was

adopted.

Q Is it a Mexican, not a Delaware by blood? A No, sir, I always understood he was a Mexican but he was adopted.

Q How was he adopted? A Through treaty.

Q Through treaty with the Cherokees? A With the Delawares and the Cherokees.

Q You mean by adoption, he was included in this list of names under this treaty with the Cherokees, but not adopted by the Delaware Council [illegible] a member of the original [illegible].

Q You just understood that, you don't know it of your own knowledge? A I never saw it.

Q [illegible] Breckinridge: How do you understand the Delawares [illegible] right to leave to start with? A They [illegible] by the Delawares.

Q Adopted by intermarriage to a Delaware? A No, sir, no treaty.

Q How do you understand he acquired his right as a Delaware to start it, no matter how? A He was adopted in the Delaware Nation [illegible] by and between the Delawares and Cherokees and the United States in Washington.

Q I will ask you another question; how did he originally get his start in the Delaware Nation? How came they to adopt him into the Cherokee Nation? A As I understand it old Sam Conner bought him of the Cherokees and adopted him and [illegible] him adopted in his family.

Q You [illegible] under the Delaware [illegible] Mexican? A Yes, sir, that is the way I understand it.

Q [illegible] just now? A I don't [illegible] just exactly now [illegible] my attention to it, [illegible] the way I understood it.

Mr. [illegible]: You would know of your own knowledge [illegible] is a fact? A Yes, sir, [illegible] I have understood.

Mr. [illegible]: You [illegible] Delaware roll?

[illegible]

Supl. D. D. #12
File with C. D. #610.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Fort Gibson, I. T. September 25, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ALBERT A. CONNER as a Cherokee citizen of Delaware blood; introduced on part of Applicant:

APPEARANCES:
Mr. E. B. Lawson, Attorney for Applicant;
Mr. W. W. Hastings, for Cherokee Nation:

JOHN G. CONNER, being duly sworn by Commissioner Needles, testified as follows, on behalf of applicant:

MR. LAWSON: State your name? A John Q. Conner.
Q How old are you John? A I am 57.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Delaware? A Delaware.
Q Do you know Aleck Conner? A Yes sir.
Q What relation if any, was Aleck Conner to you? A He was adopted brother.
Q Whom was your father? A He went by the name of Captain John Conner.
Q Was he the Chief of the Delawares? A Yes sir.
Q Where did you first know Aleck Conner? A Up in Kansas.
Q What place? A I believe the place is now, that is about countie Leavenworth and Wyandott counties is now.
Q How old was he when you first saw him? A He was about 17.
Q Was he married? A No, sir.
Q Do you know how Aleck Conner got his rights in the Delaware tribe
A Well, all I know, my father told me so.
MR. HASTINGS: Only what your father told you? A Yes sir.
MR. LAWSON: Did you know Aleck Conner's first wife? A Yes sir.
Q Do you know whether Aleck Conner drew money before he married his first wife? A He drew money ever since I knowed him.
Q Well now go ahead and tell how he got his rights in the Delaware tribe?

Mr. Hastings: Let me say this that if it is what his father said from hearsay, I want to tell you now we want to object to it.

MR. LAWSON: What I want is what he knows; tell what you know about Aleck Conner getting his rights in the Delaware tribe?
A The way I know he drawed annuity money with the Delawares.
Q When? A Along about when he first come up there.
Q Did he draw money before he was married? A Yes sir he drew money.
Q Was he a recognized Delaware before he was married to a Delaware woman? A He was recognized as an adopted Delaware.
Q Who had him adopted? A The Council of Chiefs.
MR. HASTINGS: How were you there present? (no response)
Q Do you know that yourself, is what I am trying to get at? A No sir, I dont know right at the place, but I know he drew money.
MR. LAWSON: Before he was married? A Yes, sir.
Q How long did you first know him did he marry this Delaware woman?
A Why it was long about '66.
Q How long had you known him John, before he first married?
A I could not tell you just exactly, it was somewhere near '67.
Q Near about '67 and he married in '68, or about that time.
A Yes sir.
Q Some where near about there? A Yes sir,
Q Did you know Aleck Conner from the time you first saw him in

Kansas until the time of his death? A Yes sir I have known him all his life.

Q Do you know when Aleck Conner came to the Cherokee Nation?
A Come in '67.
Q With the balance of the Delawares? A With the balance of the Delawares.
Q Do you know whether or not he was one of the original Delawares that got his rights here in the Cherokee Nation?
A Yes sir, he was an original Delaware.
Q Is he the identical Aleck Conner that married this Martha N. Conner? A I dont know about this.
Q Mrs. Conner? A His last wife?
Q Yes? A Yes sir.
Q She was a white woman was she not? A Yes sir.
Q Was there any other Aleck Conner that came down here to the Cherokee Nation with the Delawares? A Not that I ever know about.
Q Do you know where Aleck Conner came from to Kansas? A He come from Texas.
Q With whom? A Old man Connor.
Q Your father? A Yes sir.
Q Do you know whether or nothe got his rights by being adopted into the tribe or by intermarriage with a Delaware woman? A No sir he was adopted.
Q Then he did'nt get his rights in the Delaware tribe by being married to this Delaware woman? A No sir.
Q He had his rights before he married her? A Yes sir.
MR. HASTINGS: Now, all you know about that is hearsay, aint it?
A Hearsay?
Q Yes, you said you wernt present, did'nt you, when they adopted him? A There was a good many I was.
Q You said just now you weren't present did'nt you?
(No response)
Q Say yes or no? A I was'nt present. I said I was'nt present.
Q Then all you know it is hearsay, what they told you?
A What my father.
Q What your father told you? A Yes sir.
Q You was'nt at that Delaware Council? A No sir I was'nt at the Council.
Q This Aleck Conner is a Mexican isn't he, part Mexican?
A I dont know what he is.
Q He is not a Delaware by blood is he? A No sir he is not.
Q Generally recognised as not to be of Delaware blood? A I could only say I suppose so, by hearsay.
Q Well he come from Texas up there, did he? A Yes sir.
Q How old are you? A I am 57.
Q How long before the war did he come from Texas? A Well along about '61.
Q And he came down here with the Delawares, did he? A Yes sir.
Q To this Nation? A Yes sir.
Q Came down to the Nation with the Delawares? A Yes sir.
Q His wife at that time was a Delaware? A Yes sir.
Q She has died and he married a white woman? A Yes sir.
Q Is that the way of it? A Yes sir.

PILMORE SECONDINE, being duly sworn by Commissioner Needles testified as follows:
MR. LAWSON: State your name? A Pilmore Secondine.
Q How old are you Pilmore? A 57 last April.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Delaware Blood? A Yes sir.
Q Did you know Aleck Conner during his life time? A Yes sir.
Q When did you first get acquainted with Aleck? A First acquaint-

ance with him in Delaware Reservation.
Q Wyandotte County, Kansas? A Wyandotte County, Kansas.
Q How old was he at that time? A He was about 15 or 16.
Q With whom did you first see him? A He was with John Conner.
Q Chief John Conner? A Yes sir.
Q Do you know what relation he was to John Conner? A It was his son, adopted son called him son.
Q Do you know how Aleck Conner got his rights in the Delaware tribe?
A John Conner adopted him.
Q This Chief John Conner? A Yes sir.
Q Did you know Aleck Conner's first wife? A Yes sir.
Q Did you know Aleck Conner before he married his first wife?
A Yes sir.
Q Was Aleck Conner recognized as a Delaware before he married his first wife? A Yes sir.
Q Did he draw money with the Delawares before he married her?
A Yes sir.
Q Do you know whether or not he got his proportionate share of lands before he married? A Yes sir.

MR. HASTINGS: Wasn't that all made a matter of record when you drew money, your land money? A Yes sir.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and objects to all this testimony above by this witness and the other about the drawing of money and land by the applicant, Aleck Conner, for the reason that it is shown that this is a matter of record and the record is the best testimony, and that this was more than thirty years ago, and that a man's memory is liable to error and if the record is attainable it should be produced.

MR. LAWSON: How long did you know Aleck before he married this Delaware woman? A Five or six years I guess, or maybe more.
Q Do you know when Aleck came to the Cherokee Nation?
A Not exactly.
Q It must be about '54 or '55 along there.
Q I mean do you know about the time, I dont care anything about the year; did he come with the balance of the Delawares? A Long that is in '68.
Q He came here with the balance of the Delawares? A Yes sir.
Q Do you know whether he was one of the original Delawares who purchased his rights? A Yes sir he came in just same as I am.
Q Well did you know his wife at the time of his death? A Yes sir
Q What was her name, do you know? A That white woman.
Q Yes sir, Martha Conner, was it? A Yes sir.
Q Is this Aleck Conner you are talking about the identical Aleck Conner you first saw in Wyandotte County, Kansas, with Chief John Conner? A Yes sir.
Q Did he have his rights as a Delaware before he married his first wife? Yes sir.

MR. HASTINGS: When did you first see Aleck Conner?
A It is about '54 or '55, I dont know which.
Q Where did he come from? A Texas.
Q He is part Mexican, isn't he? A I believe he is full blood Mexican.
Q He isn't any Delaware Indian? A Yes sir.

JIM WILSON, being duly sworn by Commissioner Needles, testified as follows: On part of applicant:

MR. LAWSON: State your name? A Jim Wilson.
Q Your age? A 55
Q Where do you live? A Bartlesville, Osage.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q How long have you been in the Cherokee Nation? A Ever since they came made a treaty with Washington.
Q 1866? or '6? A (No response)
Q Did you know Aleck Conner? A Yes sir.

Q Where did you first know Aleck Conner? A Down there where I come from.
Q Where did you come from? A Well he got old man Conner's family name, old man Conner he lived down there in Texas, and he fetched him from there.
Q To Wyandotte Co Kansas, was it? A Yes sir, that is where I come from.
Q Well, how old was Aleck at that time? A I dont know exactly.
Q Well, about how old? A I think he was about, I dont know, he was old for me, he was a big boy first I see him.
Q Was he married? A No sir.
Q How long after you first knew him did he get married? A I dont know exactly.
Q Well, about how long? A Well he married after the war.
Q Several years after the war? A Yes sir.
Q Was Aleck Conner recognized as a Delaware citizen before he married that Delaware woman? A Yes, well he got to draw money.
Q Draw money before he married this Delaware woman? A Yes sir.
Q Draw lands before he married her? A Yes sir.

Mr. Hastings: The Cherokee Nation moves to strike out all above testimony for the reason that the same is a matter of record and the record is the best testimony.

Commissioner Needles: Let the objection be noted.

MR. LAWSON: You state that he was recognized as a Delaware before he married this Delaware woman? A (No response)
Q How did he get his rights as a Delaware? A He got it from, I forget the name of that county.
Q Well tell us how he got his rights if you know? A Well he got his rights there as much as I got.
Q How did he get his rights, how did he first get to be a Delaware is what I want to know, Jim? A I can tell you that I thought all the time he was John Conner's son, he was too old for me I dont know.
Q Was he with John Conner up there in Kansas, old Chief John Conner? A Yes sir.
Q And you thought he was Chief John Conner's son? A Thats what I thought all the time, and Aleck Conner he told me was my father, and John Conner that same way, he say it was my son, he treat him the same as his own son.
Q Is he the identical Aleck Conner that married this white woman, Martha E. Conner? (No response)
Q The Aleck Conner you are talking about and first knew up there with John Conner, is he the same man that came down here and married this Martha E. Conner? A Yes sir.
Q When he lost his first wife married to another woman? A Yes sir

MR. HASTINGS: Did you ever know this man to be married more than twice? A I will change it, what was his first wife's name? A I dont know.
Q Was she a Delaware? A (no response)
Q Was she a Delaware? A Yes sir, she was a Delaware.
Q What became of his first wife, where is she? A First wife?
Q Yes? A Aleck Conner?
Q Yes? A Down there where I come from Kansas.
Q Left her there? A No, he come with her.
Q What become of her out here, is she living, is she dead, living or what? A She is dead.
Q When did she die? A Let's see--
Q Was she dead when he married this woman? A Yes sir.
Q Did he ever marry anybody else? A That's all I know.
Q Never heard of her marrying anybody else? A That's all I know.
Q Never heard of her marrying anybody else? A No sir.
Q Did you ever know that he was a Mexican? A I cant say that at all.

JOHN R. STOUT, being duly sworn by Commissioner Needles testified as follows: On part of applicant.

MR. LAWSON: State your name? A John R. Stout.

Q How old are you John? A Near about 55 along there.
Q You are a Delaware Indian? A Yes sir.
Q Recognized citizen here in the Cherokee Nation? A Yes sir.
Q Do you know Aleck Conner? A Yes I do.
Q Where did you first know him, John? A Up in Kansas.
Q What place? A At Leavenworth and Wyandotte City.
Q How old was Aleck Conner when you first saw him? A I could not answer that very well.
Q About, how old? A Well he is older than me, I am satisfied of that.
Q Did you know him before he was married to his first wife? Aa Yes sir.
Q He was living up in Kansas at that time? A Yes sir.
Q Well do you know whether he was recognized as a Delaware before he married his first wife? A Yes sir.
Q Did he draw money and lands before he was married? A Yes he come in just as well as we do, he drawed 80 acres of land up in Kansas.

MR. HASTINGS:

Comes now the Cherokee Nation and moves to strike out the above answer and all testimony above to the effect of drawing money and land for the reason that the record is the best of testimony.

Com'r Needles: Let the motion be entered and question answered.

MR. LAWSON: How long did you know him before he married this woman several years was it? A Yes sir he was married before the war He left this woman home and went soldier.
Q Is he the same Aleck Conner that came down to the Cherokee Nation with the balance of the Delawares? A Yes sir, he bought 160 acres here just as I did.
Q He afterwards married Martha E. Conner, this wife he had at the time he died? A How is that?
Q I say he afterwards married Martha E. Conner, after the death of his first wife? A I forget the woman's name, first Alecks wife dead she is Delaware too.
Q His first wife is a Delaware? A Yes sir.
Q Second wife is a white woman? A I think so.
Q Do you know where Aleck was living at the time of his death? A Yes sir.
Q Where? A On Decar Creek.
Q In the Cherokee Nation? A Yes sir, in Coowescoowee.

MR. HASTINGS: Aleck a Mexican? A Now you ask me something I could not tell, I could not answer.
Q You know he was not a Delaware? A Well, I know he has just got as good a sight as I have.
Q Then answer the question, do you know whether he was Delaware blood or not? A I could not say that.
Q What kin are you? A No relation at all.
Q None of his family? A No sir.
Q Well do you know whether he is of nDelaware blood or not? A I could not tell you that?
Q Dont you know that he is a Mexican? A I know old man Conner he always said he is my son.
Q How old are you? A Well, I guess I am near about 48 or 51 along there.

J. G. Reason being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly

recorded the testimony and proceedings in the above cause, and that the foregoing is a true and complete transcript of his [illegible] notes thereof.

T. B. Kemp.

Subscribed and sworn to before me this 7th day of October 1901.
E. E. Hoodlet,
Commissioner.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

Ella Mielenz

"R"

Cherokee D 61o

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Martha E. Conner for the enrollment of herself and children as Cherokee citizens, said Martha E. Conner having been listed as a Cherokee on Cherokee card No. D-610, and her children on Delaware card D12.

Appearances:
E.B.Lawson, Nowata, I. T., attorney for the applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 14,1902, thather application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th dayof March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 5th of March, 1902, appears by her attorney, E.B.Lawson, of Nowata, I. T.
BY COMMISSION OF ATTORNEY LAWSON: Have you any witnesses in this case? A No sir.
BY MR.LAWSON: I desire to file a certified copy of the records showing that Alexander Conner's name appears number 157 on that list of Delawares who came to the Cherokee Nation in 1867.
BY COMMISSION: It appears from the Registry, Allotment, Valuation, etc., Delaware Diminished Reserve, Treaty July 4th, 1866, that the name of Alexander Conner is found on page 14, number 157.

It is directed that copies of the supplemental testimony of date September 25,1902, had in thematter of the application of the applicant's children, whose names appear upon Delaware card No. D-12, be filed with and made part of the record in the case of the applicant, Martha E. Conner, D 610.

The attorney for the applicant files a brief, which he desires to be considered both in the matter of the application of Martha E Conner for enrollment as a citizen of the Cherokee Nation by intermarriage, and in the matter of the application for theenrollment of her children as Cherokee-Delawares.
BY COMMISSION OF ATTY. LAWSON: Do you submit the cases in behalf of the applicants? A Yes sir.
BY COMMISSION: The attorney for the applicants on behalf of the applicants and the representive of the Cherokee Nation on behalf of the nation submit these cases to the Commission and same are ordered closed and reported to the Commission for final decision, based upon the evidence now of record.

I, [illegible], do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

[illegible]

Cherokee D 610.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T.' October 17, 1902.

In the matter of the application of Martha E. Conner for enrollment as an intermarried citizen of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

MARTHA E. CONNER, being sworn, testified as follows.

By the Commission,

Q What is your name? A Martha E. Conner.
Q How old are you? A Thirty-four.
Q What is your postoffice? A Sir?
Q What is your postoffice? A Coffeyville, Kansas.
Q Are you a white woman? A Yes, sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes, sir.
Q What is your husband's name? A Alexander J. Conner.
Q Is he living? A No, sir.
Q Was he a Cherokee by blood? A No, sir.
Q He was not? A He was a Delaware.
Q When were you married to him? A In '83.
Q '83? A Yes, sir.
Q How long had your husband lived in the Cherokee Nation before you married him? A He moved here in '83.
Q With the Delawares? A Yes, sir.
Q And lived in the Cherokee Nation all the time until he died? A Yes, never lived anywhere else.
Q Are you his first wife? A No, sir.
Q He was married before he married you? A Yes, sir.
Q What was his first wife's name? A Elizabeth Thomas.
Q Was she dead when he married you? A Yes, sir.
Q Is that the only time he was ever married? A Yes, sir.
Q Had you ever been married before? A No, sir.
Q He's your first husband? A Yes, sir.
Q When did your husband die? A He died the 11th of May, '97.
Q Had you lived with your husband from the time when he married you in '83 up until his death? A I was separated some when I was sick, I went home and stayed until I got well.
Q Why did you go home? A My folks came and got me and took me home to take care of me.
Q Your husband was willing for you to go home? A Yes, sir, to come to see me every two or three days.
Q So you was never separated at all? A No, sir.
Q Have you married since your husband's death? A No, sir.
Q Have you been living in the Cherokee Nation always since '83? A Yes, sir.
Q Never lived anywhere else? A No, sir.
Q Your postoffice is Coffeyville? A Yes, sir.
Q How far do you live from Coffeyville? A About eighteen miles the river on my all the time so why I don't get my mail at Coffeyville.

By the Agent.

Q You say your husband was a Delaware? A Yes, sir.
Q What's his name? A Alex Conner is what I always call him

That's the name he went by.
Q Ain't he a Mexican? A Not that I know of.

By the Commission,

Q You say he came here with the Delawares? A Yes, sir.
Q And lived in the Cherokee Nation from that time up until he died in '97? A Yes, sir.
Q He always calimed to be a Delaware? A Yes, sir, he never was outside the Territory only when he went to Coffeyville to trade.
Q Did not claim any rights except as an adopted Delaware, did he?
A He claimed just the same rights as any other Delaware.

By Mr. Starr,

Q Did he claim to be a Delaware Indian? A That's what I always heard him claim that he was.

By the Commission,

Q Delaware Indian by blood? A That's all he ever claimed to me.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 14th day of November, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Vinita I T January 3rd 1903.

In the matter of the application of Martha E Conner ~~xxxxxx~~for enrollment as a citizen of the Cherokee Nation by intermarriage.

Cherokee D 610.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on December 10th 1902 and respectfully requests that same be forwarded to the Honorable Secretary of the Interior for review together with the brief filed by the Cherokee Nation in this case.

Respectfully submitted,

[illegible]

Attorney for the Cherokee Nation.

Cherokee D-610.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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In the matter of the application for the enrollment of Martha E. Connor as a citizen by intermarriage of the Cherokee Nation.

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DECISION.

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The record in this case shows that on October 16, 1900, Martha E. Connor appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment, among others, of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Nowata, Indian Territory, on October 19, 1900, and again at Muskogee, Indian Territory, on March 5, 1902, and October 17, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Martha E. Connor was lawfully married on August 29, 1883, to one Alexander Connor, a Cherokee citizen whose name appears upon the list of registered Delawares who removed to the Cherokee Nation under the provisions of the Treaty of July 4, 1866, between the Delawares and the Cherokees, and who is identified on the Cherokee Authenticated Roll of 1880, as an adopted Delaware. Said Martha E. Connor is identified on the Cherokee Census Roll of 1896.

The evidence further shows that Alexander Connor died in 1897. Martha E. Connor lived with her said husband continuously in the Cherokee Nation from her marriage to him up to the time of his death. Since that time, she has resided in the Cherokee Nation, and had not remarried up to and including September 1, 1902.

It is the opinion of this Commission that Martha E. Connor should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is, therefore, so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

Date _____

COMMISSIONERS.
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902.

Mrs. Martha E. Conner,

Coffeyville, Kansas,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 5th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to make known their intention to introduce such testimony before they will be permitted to do so.

You are requiredto supply the Commission with certificateof marriage to Alexander Conner.

Copy to E. B. Lawson,
Bevata, I.T.

Clerk in charge
Register.

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALEXIS I. ANDREWS, SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 610.

Muskogee, Indian Territory, September 22, 1902.

Martha E. Conner,

Coffeyville, Kansas.

Dear Madam:

The Act of Congress, approved July 1, 1902, and entitled "An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," (Public No. 241), provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Very truly,

Acting Chairman.

COP

Cherokee D 610.

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Martha E. Connor for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure N. No. 424.

Vinita, Indian Territory, January 27, 1903.

Commission to the five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of January 24, directing that jackets and records in the following Cherokee cases beforwarded to the office at Muskogee:

Cherokee D 84, Magnolia Wilson, et al.
Cherokee D- 610, Martha E. Conner.
Cherokee D- 419, Samuel Frazier, et al.
Cherokee D-1242, C. Howard Davis.

These jackets and records are enclosed herewith.

Respectfully,

Clerk in Charge.

Encl. P-:C.

EP

COPY. Cherokee D-610

Muskogee, Indian Territory, January 30, 1903.

Martha E. Connor,

Coffeyville, Kansas.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been furnished your attorney, E. B. Lawson, Nowata, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and approval. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Enc. F-1st

Acting Chairman.

Register.

COPY.

Cherokee D-610

Muskogee, Indian Territory, January 30, 1903.

E. B. Lawson,

Attorney for Martha E. Connor,

Nowata, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of Martha E. Connor for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated December 10, 1902, granting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision of the Commission, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and approval. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully.

Tams Bixby

Enc. R-148

OC

Cherokee D-610

Muskogee, Indian Territory, January 30, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Martha E. Connor for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commission, dated December 10, 1902, granting said application, and the protest of the Cherokee Nation against said decision, dated January 3, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Acting Chairman.

COPY.

Cherokee D-610

Muskogee, Indian Territory, January 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Martha E. Connor for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 10, 1902, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Acting Chairman.

En. M-2156

REFER IN REPLY TO THE FOLLOWING
Cherokee
D 610.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906.

Martha E. Connor,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 26, 1906.

Respectfully,

S.W. Commissioner.

Cherokee
D 610.

Muskogee, Indian Territory, December 13, 1906.

E. B. Lawson,

Attorney for Martha E. Connor,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application for the enrollment of Martha E. Connor as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 29, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Very respectfully,

Encl. E-17.
.W.

Commissioner.

Cherokee
D 610.

Muskogee, Indian Territory, December 13, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application for the enrollment of Martha E. Connor as a citizen by intermarriage of the Cherokee Nation was reversed by the Secretary of the Interior November 28, 1906.

For your information there is enclosed herewith a copy of Department's decision referred to.

Respectfully,

Encl. 8-18.

Commissioner.

D.C.52906-1906. (C O P Y) Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. FHE.

I.T.D.1422-1903. November 28, 1906.

L.H.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the decision of the Commission to the Five Civilized Tribes of December 10, 1902, in favor of Martha E. Connor, applicant for enrolment as a citizen by intermarriage of the Cherokee Nation, is reversed.

A copy of Indian Office letter of February 10, 1903 (Land 7206), submitting the papers, is enclosed. The papers have been returned to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 for Ind. Of.

(C O P Y)

Land
7706-1903.

D E P A R T M E N T O F T H E I N T E R I O R,

OFFICE OF INDIAN AFFAIRS,

Washington, February 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, a report from the Acting Chairman of the Commissioner to the Five Civilized Tribes, dated January 30, 1903, forwarding for the Department's consideration the record relative to the application of Martha E. Connor for enrollment as an intermarried citizen of the Cherokee Nation.

The attorneys for the Cherokee Nation and the attorney for the applicant filed briefs and arguments, and on December 10, 1902, the Commission held that Martha E. Conner should be enrolled as a citizen by intermarriage of the Cherokee Nation and directed her enrollment. The Cherokee Nation protests against the Commission's decision.

The record in this case shows that Martha E. Conner was married to Alexander Conner on August 28, 1893; that Alexander Conner was of Delaware blood; and that he removed to the Cherokee Nation in accordance with the Cherokee-Delaware agreement of April 8, 1867.

The record in this case has a tendency to show that Alexander Conner was of Delaware blood, that this is disputed by the

Nation and the attorney for the Cherokee Nation in his brief takes the position that Alexander Connor was a Mexican. The record in the case of Martha E. Conner et al., for the enrollment of her minor children, which was transmitted to the Department February 3, 1903, showed that Alexander Connor was adopted as a citizen of the Delaware tribe prior to its removal to the Cherokee Nation.

Alexander Connor was first married to a Delaware woman; he lived with his Delaware wife until her death in 1883, and subsequently married Martha E. Connor. Alexander Connor died in 1897 and the record shows that this applicant lived with her husband in the Cherokee Nation from the date of their marriage to the date of his death; and that she has not remarried since his death.

Even if Alexander Connor did not have any Delaware blood, his status became the same as that of a native Cherokee when he removed to the Cherokee Nation in accordance with the provisions of the Cherokee-Delaware agreement above mentioned, he having theretofore married into the tribe.

In connection herewith, attention is respectfully invited to Department letter of December 16, 1902 (I.T.D.7340) in the John V. Kinney enrollment case.

In view of the foregoing the office is of the opinion that the decision of the Commission is correct and respectfully recommends its approval.

Very respectfully,

(Signed) A. C. TOWNER,

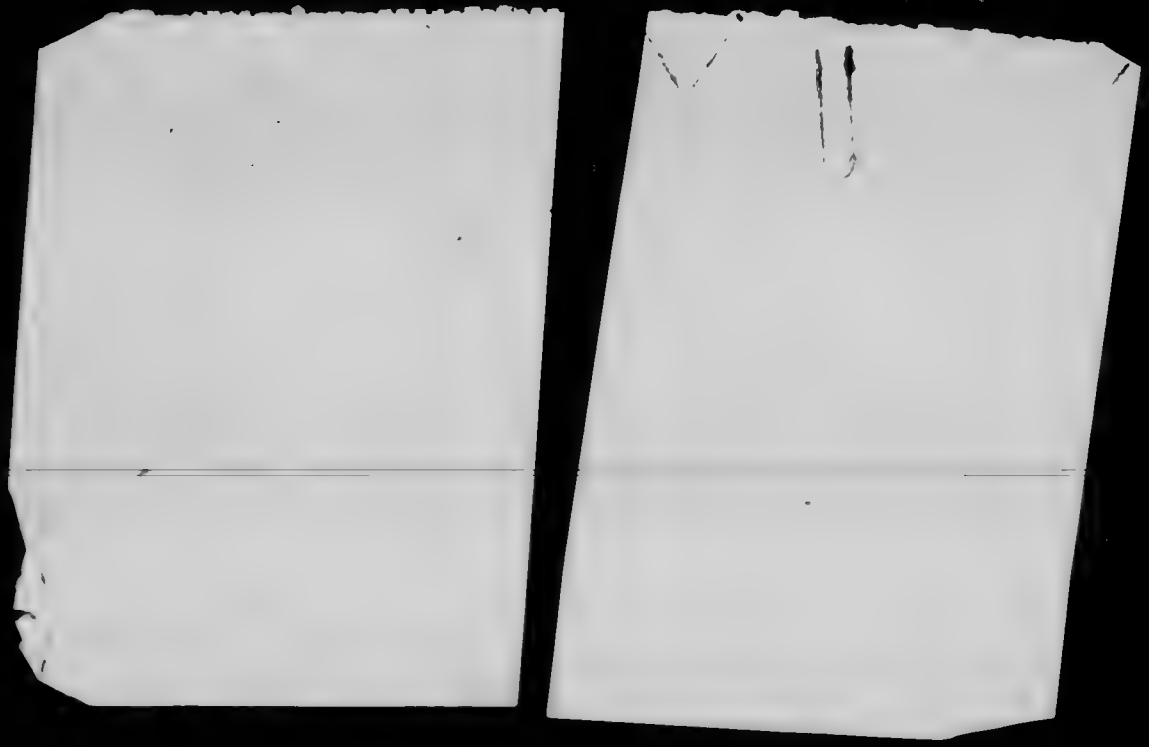
Acting Commissioner.

T.A.V.(B)

Cher R 1137

Trans from cher D 621

Cher R 1137



Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(36) Date. OCT 17 1900 1900.

Name Thomas N. Reynolds (Aylon ... 5)

District COOWEESCOOWEE. Year 1896 Page 321 No. 81

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Doubtful

License Date of marriage

Wife's name Certificate

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Department of the Interior.
Commission to the Five Civilized Tribes.
Nowata, I. T., October, 17, 1900.

In the matter of the application of Anna P. Reynolds for the enrollment of herself, husband and one child as Cherokee citizens; she being sworn and examined by Commissioner T. B. Needles, testified as follows—

Q What's your name? A Anna P. Reynolds.
Q What's your age? A 36.
Q What's your postoffice? A Afton, I.T.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood? A Yes sir.
Q What degree of blood? A 1/4.
Q Cherokee? A Yes sir.
Q For whom do you apply for enrollment? A Myself, husband and child
Q Is your husband present? A No sir.
Q He's a white man is he? A Yes sir.
Q What's your husband's name? A Thomas L. Reynolds.
Q How old is he? A He's about 38.
Q Have you a certificate of marriage to him? A Yes sir.
The applicant presents a duly authenticated marriage license and certificate of marriage, certifying that she was married to one Thomas M. Reynolds under the name of Mrs. A. P. Cromwell, on the 2nd of November, 1895.
Q What's the name of your child? A Zeddie Lee Cromwell.
Q How old is he? A 11.
Q What's the name of your father? A Tom Rogers.
Q Is he living? A No sir.
Q What's the name of your mother? A Sudie Rogers.
Q Wasn't her name Hogner? A Yes.
Q Her maiden name was Bochman? A Yes sir.
Q Is she living? A No sir.
Q What was your mother's name? A Rogers.
Q Were you married before you were married to Mr. Reynolds? A Yes sir, I was married to Cromwell first.
Q What was his name? A Zed. L. Cromwell.
Q Is he living? A No sir.
Q How long were you married to Mr. Cromwell after the death of Mr. Cromwell? A [illegible]
Q How long were you married to Mr. Reynolds? A Two years.
Q Is Reynolds [illegible] A Yes.
Q Where was Mr. Reynolds? A Yes sir.
Q Was Mr. Reynolds married before he married you? A Yes sir.
Q What was his wife's name? A My first husband's name was
Q Was she living when he married you? A He got a divorce in Colorado.
Q Was she living when he married you? A No.
Q How long after the death of Mr. Cromwell?

Q Was there a divorce? A As far as I know there was a

think there was.
Q How long were you married to Mr. Cromwell? A Nearly two years.
Q That was after the marriage with your first husband? A Yes sir.
Q Where were you married to Mr. Cromwell? A At Catoosa.
Q Did you ever make any effort to know whether there was a divorce granted?
A I tried to find him before I married Cromwell. We couldn't find Him. He had been gone so long, we didn't know where he was, or whether he was alive, and they advised me to go ahead and marry. We were all Indians.

Commissioner—

The name of Anna P. Reynolds appears upon the authenticated roll of 1880 as Anna Rogers. She is duly identified as the identical Anna P. Reynolds, whose name appears upon said roll as such; she also upon the Census roll of 1896 as Annie P. Reynolds. She avers that she was married in 1895, Nov. 2nd, to Thomas M. Reynolds, a white person, and presents satisfactory proof of marriage. The name of Thomas P. Reynolds appears upon the Census roll of 1896. She also avers that she was married to one Zed. Cromwell in the year 1899, and by said Cromwell, she has one child, named Zeddie R., whose name appears upon the Census roll of 1896, the said Zed. Cromwell now being deceased. She also avers that she had a former husband, her first marriage, to one Hildebrand, but she presents no certificate of divorce or proof of divorce between herself and her first husband. The fact of divorce or legal separation would affect the citizenship of her present husband; consequently, the final judgment of the application for the enrollment of her said husband, Thomas M. Reynolds, will be suspended and his name placed upon a doubtful card, awaiting proof as to the legal separation of the said applicant with her first husband. Said Anna P. Reynolds and her said Zeddie R. Cromwell, having been duly identified and having made affidavit to proof as to their citizenship will be duly listed for enrollment as Cherokee citizens by blood.

[illegible] prior to the [illegible] in full all proceedings [illegible] is a true and correct transcription of the [illegible] said case.

Subscribed and sworn to before me this [illegible].

[illegible]
Commissioner.

R

C. D-621

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Thomas M. Reynolds for the enrollment of himself as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February13,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March,1902, and thaton said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his case; the attorney for the applicant, J.S.Davenport, of Vinita, I.T., requests and will be allowed 15 days in which to file brief. (Applicant's attorney not present.)

The attorney for the applicant and the representative of the Cherokee Nation submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

M.D.Green, hereby certifies that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Stenographer.

D-621.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 14, 1902.

In the matter of the application of Thomas M. Reynolds for enrollment as a citizen of the Cherokee Nation.

SUPPLEMENTAL TO D-621.

APPEARANCES:
J. S. Davenport in behalf of applicant.
W. W. Hastings in behalf of Cherokee Nation.

ANNA P. REYNOLDS, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Anna P. Reynolds.
Q Where do you live, Mrs. Reynolds? A Afton.
Q How long have you lived in the Cherokee Nation? A Nearly all my life.
Q If you ever lived outside of the Nation how long did you live out and when? A Why I don't remember; I was a baby.
Q Oh, yes; what's the name of your present husband? A Thomas M. Reynolds.
Q Were you married before you married Thomas M. Reynolds? A Yes, sir.
Q To whom were you first married? A William Hilderbrand.
Q Did he and you separate? A Yes, sir.
Q When did you separate, Mrs. Reynolds, or about what year is what I want to get at? A About the summer of '85 or '86.
Q Do you know what became of him at that time or where he went to after you separated? A Yes, sir, he went out to Colorado.
Q Do you know whether or not he ever - that is, got a divorce or have any official notice of it? A No, sir.
Q Did you ever get any communication at the time or anything with reference to his divorce? A I only heard from some parties that he was dead first, and then I heard that he had a divorce.
Q Well you never had any official notice at all of the divorce? A No, sir.
Q Well after you separated in 1885 when did you next see Hilderbrand, if at all? A I never saw him any more.
Q Never have seen him since that time? A No, sir.
Q Well how long was it after your separation then until you heard that he was living or where he was living? A I don't know; when I was in Nowata to enroll; I don't remember what - when I was up there; don't remember the date.
Q Well haven't you heard from him from the time you separated in 1885 up to the time you applied for enrollment to the Dawes Commission? A No, sir.
Q How did you learn that he was living or where he was living; in what way is it that I want to get at? A Why through Jesse Cochran.
Q Well do you know whether or not he came down to make application for enrollment and in that way you learned it? A Yes, sir, that's the way I learned it.
Q After you and Mr. Hilderbrand separated what year was it you was married to Mr. Cromwell? A April 28, 1886.
Q You lived with Mr. Cromwell till the time of his death did you? A Yes, sir.
Q And you live continuously in the Cherokee Nation with him? A Yes, sir.
Q What was his citizenship? A Cherokee.
Q From the time of Mr. Cromwell's death up to the time you [illegible]

Hilderbrand as to where he was living or whether he was living or not had you? A No, sir.
Q What was the date of you and Mr. Reynolds' marriage, do you remember? It was given in there, but I don't remember. A It was '95, I think it was November 2 or near there, sometime; I don't remember the exact date.
MR. HASTINGS: Where were you living when you and Mr. Hilderbrand separated? A In Colorado.
Q You were living in Colorado? A I wasn't living out there; he was living out there and I went out there and stayed three weeks and came home.
Q You left him out there? A Yes, sir.
Q At what place did you leave him? A Pueblo.
Q How long had you been out there yourself? A When we separated?
Q Yes. A Something near three weeks; he was out there quite a while before I went out there, and he went out there for his health.
Q When was it he went out there? A We were married in November, and he went out in the following May I think it was.
Q What year? A Sometime in the spring; we were married in '82 and in '83 that he went out.
Q Thenwas that the same year that you went out to join him in '83? A Yes, sir, the fall.
Q You then left him in Pueblo and came home? A Yes, sir.
Q Did you leave him then for the purpose of leaving him permanently or just come home on a visit or business trip? A No, I left him there to leave permanently.
Q To leave permanently? A Yes, sir.
Q What was he doing when you left him there? xxxxxx Was he employed in any permanent occupation? A Not that I knew of.
Q Did he work at anything particularly, do you remember, when you left there, when you were last there? A Well I think he went up some of those mountain towns to work, but I don't know what he did afterwards, I don't know.
Q How long was it after that time that you heard from him: you didn't correspond at all? A No.
Q Never wrote to him? A No, sir.
Q Nor he never wrote to you? A No, if he did I didn't -
Q Did I ask you never wrote to him either? A No.
Q You separated for good and you came on back to the Territory then? A Yes, sir.
Q You never made any inquiry about him in the way of correspondence? A No, sir.
Q You never wrote to the postmaster out there? A No, sir.
Q The fact of the business do you know anything about him? A I didn't care what became of him. I didn't care anything about him.
Q You never took any occasion to make any inquiry of any kind about him? A No, sir, I never did, except the first payment. I have forgotten what payment it was, but it was the time they paid out the proceeds, I think they drew thirteen dollars and something, so they say. I don't remember the year that it was, but I was teaching the school at Brady's Ranch and they wanted to know if I wanted to draw his money, and I told them no, I didn't want to.
Q They had a payment in 1897, there was a payment made in 1897 and 1898, but you see to which you have reference was the 1898 payment of the proceeds, that little $36.00 or something of that sort? A Something of that kind.
Q It didn't let you that he was entitled to draw that time did they? A Yes, sir, his name was on the rolls, and they wanted to know if I wanted to draw it and I told them no.
Q Up to your marriage to Mr. Reynolds he never did write to you - you received his letters? A Never did in fact of course.

Q Well you never heard directly that he was dead from any source?
A Indirectly, I just heard it indirectly, around about way.
Q Just some rumor around over the country? A No, sir.
Q You don't remember who you heard that from? A No, it's been so long ago.
Q It didn't purport to come direct from him or out there, just through the neighborhood? A Yes, sir.
Q You never wrote out there to see whether that was confirmed or not or anything of that kind? A No, sir, didn't pay any attention to it.
Q You never asked any friends about Vinita or in Cooweescoowee District as to whether that was true or not? A No, sir.
Q No you remember.
Q No you remember from whom you heard he was dead, you heard the report? A No, sir.
Q Well now how long after that was it you heard he was married or when did you hear he was married? A Well I don't know; I have heard some heres that he was married, and then sometimes that he was dead, but I didn't know that he was really and truly married until recently.
Q Have you any idea when you heard the first rumor that he was married? A Why it was just before I married Mr. Cromwell, the first rumor.
Q That you heard he was married then? A Yes, sir.
Q That must have been in 1887 or 1888; you married him in 1888?
A Married him in '88.
Q You never heard that disputed after that? A No, sir.
Q But you afterwards heard that it was confirmed? A Yes, sir, but I didn't ask any questions about him. I didn't care anything about him.
Q You never took any occasion to make any inquiry about him? A No.
Q Well you have now from what you have learned since that he continued to live in the State of Colorado, don't you? A Yes, sir.

T. J. REYNOLDS, being first duly sworn, testified as follows:

MR. [illegible] Your initials are what? A T. J. Reynolds.
Q Are the children of Mary J. Reynolds? A Yes, sir.
Q That was you and your husband, do you remember the date? I forget the date.
Q Were you married in the Cherokee Nation? A Yes, sir.
Q Now I will ask you if you ever employed the law firm of [illegible] Lee, to take charge of a claim for [illegible]? A Yes, sir.
Q Did you ever pay any part of the fee contracted to be paid to that firm? A I paid, I think, three or four hundred dollars.
Q Were you married for the first time, and of the deceased husband? A Yes, sir.
Q And you had children by the deceased husband? A Yes, sir.
MR. [illegible] You stand on 'or no' 'no'? A I don't remember what about election since I was married, Mr. Hastings.
Q You don't remember what they were? A No, I might remember when they were.
Q Mr. Reynolds, both children and non-citizens do business on there in [illegible] where you live? A Yes, sir.
Q Incorporated business and other business? A Yes, sir.
MR. [illegible] Were you living at Vinita on June 28, 1898? A

No, sir.
Q Where were you living, what part of the Nation? A Catoosa.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of June, 1902.

Notary Public.

D 621.

CERTIFICATE OF MARRIAGE.

NO._____

I, J. Elmer Parkinson a Justice of Peace residing at Victor in the County of El Paso in the State of Colorado, do hertify that in accordance with the authority on me conferred by the above License, I did, on this fifteenth day of June in the year A.D.1897, at Victor, in the County of El Paso, in the State of Colorado, solemnize the Rites of Matrimony between William Hildebrand of Victor, in the County of El Paso of the State of Colorado, and Margaret Terrion of Lawrence of the County of El Paso, of the State of Colorado, in the presence of Wm. Stroud and Ella Pherson.

WITNESS my hand and seal at the County aforesaid, this fifteenth day of June A.D. 1897.

J. Elmer Parkison (SEAL)

SIGNED IN PRESENCE OF)
W. M. Stroud)
Ella Pherson)

INDORSEMENT.- Filed for record on the 17 day of June 1897, at 9:15 o'clock A.M. and Recorded in Book ___ of Marriages, Page___

J. W. Bates, County Clerk.

By_____Deputy.

STATE OF COLORADO)
COUNTY OF EL PASO.) ss

I, W. H. Reed, County Clerk and Recorder in and for the aforesaid County and State, do hereby certify that the within and foregoing is a full, true and correct copy of a certain Certificate of Marriage William Hildebrand to Margaret Terrion. Filed for record in my office at 9:15 o'clock A.M. June 17,1897, and duly recorded in Book No.M. at page 261 of the records of this office.

_____

made from the original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Colorado Springs, in

said County and State, this 26th day of January A. D.1901.

W. H, Ross,

County Clerk and Recorder.

By----------Deputy.

I, Roy Palmer as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy or the original.

Roy Palmer

D 621.

Cherokee Nation,

Cooweescoowee, District-----

To any person legally authorized:-- Greeting--You are hereby authorized to join in the Holy Bonds of matrimony, and to celebrate the rites and ceremonies of Marriage between Thomas M. Reynolds, a citizen of the United States, and Mrs. A. P. Cromwell a citizen of the Cherokee Nation, according to the usual Custom, and laws of the Cherokee Nation:--

And you are hereby commanded to make a certificate of such marriage, and attach the same to this certificate, and return the s same to me within thirty days after the celebration of such marriage.

Given under my hand and seal of office on this the 1st day of November, A.D.1895.

Joe M. LaHay,

SEAL

Clerk of Cooweescoowee District C.N.

This is to certify that I, B. W. Rinehart, a Minister of the M. E. Church did in accordance to Law duly solemnize the rites and publish the banns of matrimony between Thomas M. Reynolds and Mrs. A. P. Cromwell on the 2nd day of November A.D.1895.

In Witness whereof, I set my hand this 2nd day of November in t the year of our Lord Eighteen hundred and ninty-five.

Rev. B. W. Rinehart.
A Minister of the M. E. Church.

I, Roy Palmer as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original.

Cherokee-D- 62a

Cherokee Nation

Cooweescoowee District.

To any person legally authorized-+-Greeting:

You are hereby authorized to join in the Hily Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage between Thomas M. Reynolds, a citizen of the United States, and Mrs. A.P. Cromwell,a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation.

And you are hereby commanded to make a certificate of such marriage, and attach the same to this certificate, and return the same to me within thirty days after the celebration of such marriage.

Given under may hand and seal of office on this the 1st day of November A.D.1895.

Joe M. Lahay
Clerk of Cooweescoowee
District, C.N.

(SEAL)

This is to certify that I, B. W. Rinehart, a minister of the M.E.Church did in accordance to law duly solemnize the rites and publish the banns of matrimony between Thomas M. Reynolds and Mrs. A.P.Cromwell on the 2nd day of November A.D. 1895.

In witness whereof I set my hand this 2nd day of November in the year of our Lord Eighteen hundred and ninety-five.

Rev. B. W. Rinehart
A. Minister of the M.E.Church

Recorded on page 66 Book E of marriage records.
Joe M. Lahay, Clerk
Cooweescoowee Dist., C.N.

(SEAL)

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Thomas M. Reynolds as a citizen of the Cherokee Nation.
Muskogee, Indian Territory,
May 11, 1903.

Cherokee-D- 621

(Copy)

CERTIFICATE OF MARRIAGE.

No._____

I, J. Elmer Parkison a Justice of Peace residing at Victor, in the County of El Paso, in the State of Colorado, do certify that in accordance with the authority on me conferred by the above License I did, on this fifteenth day of June in the year A.D. 1897 at Victor in the County of El Paso, in the State of Colorado, solemnize the Rites of matrimony between William Hilderbrand of Victor, in the County of EL Paso of the State of Colo., and Margaret Terrion of Lawrence of the County of El Paso, of the State of Colorado, in the presences Wm. Stroud and Ella Pherson.

Witness my hand and seal, at the County aforesaid, this fifteenth day of June A.D. 1897.

Signed in Presence of
W. M. Stroud
Ella Pherson.

J. Elmer Parkison(Seal)
Justice of the Peace.

State of Colorado)
County of EL Paso.) ss.

I, W. H. Reed, County Clerk and Recorder in and for the aforesaid County do hereby certify that the within and for going is a full, true and correct copy of a certain certificate of Marriage William Hilderbrand to Margaret Terrion. Filed for record in my office at 9:15 o'clock A.M. June 17, 1897, and duly recorded in Book No. F at page 3 1 of the records of this office. made from the original record.

In test mony whereof I have hereunto set my hand and affixed my official seal, at my office in Colorado Springs, in said County and State, this 25th day of January A.D. 19[illegible].

W. H. Reed
County Clerk and Recorder

I the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the said offered in evidence in the matter of the application for enrollment of Thomas W. Reynolds as a citizen of the Cherokee Nation.

Muskogee, Indian Territory,

Date _____

10621

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Double Jeu

10621

Thos M. Reynolds

Brief

Thos. [illegible],
vs.
Cherokee Nation.

No. 1621

[illegible] APPEARANCE OF APPELLANT.

[illegible]

that the s[illegible] marriage of his wife to Cromwell x who was a bigamist by blood, and her living with him until his x death [illegible] to be a continuation of Hildebrand, and [illegible] on the part of Cromwell until No[illegible], 18[illegible], after the adoption of the Iroquois law ~~is~~ without knowledge of Hildebrand [illegible] rights of Hildebrand, under the law also a right to [illegible] with of Hildebrand and her subsequent marriage to Cromwell in [illegible] valid [illegible] binding in law. The appellee in the [illegible] of Anita P. Bennett Reynolds, whose ruling on [illegible] was [illegible] [illegible] [illegible]

And the said [illegible] complied with the laws of the Cherokee Nation
[illegible] enrolled in a city [illegible]
[illegible] enrolled in a city [illegible]
[illegible] to be made Natural.

Jas S Dougherty
Attorney for [illegible]

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., Mar 8th, 1902.

In the matter of the application of Thomas M. Reynolds for enrollment as a citizen of the Cherokee Nation by intermarriage.

Cherokee D. 621.

BRIEF ON BEHALF OF THE CHEROKEE NATION.

::::::::::::: ::::::::::::::::::::::::::::::

Anna P. Reynolds, the wife of the applicant, appeared before the Commission on October 17, 1900, and applied for the enrollment of herself and her husband as citizens of the Cherokee Nation, she by blood and her husband by intermarriage.

The testimony in this case discloses the fact that she has been twice previously married. The first time to William Hilderbrand, from whom she had separated, but she contended at the time she applied that the said William Hilderbrand had secured a divorce in Colorado, and she was requested by the Commission to file a copy of the decree of divorce, but none has been filed by the applicant. And the brief of counsel for applicant practically admits that there was no divorce granted. It is now insisted that because of the long absence of William Hilderbrand he was presumed to be dead, and that therefore his wife was free to contract her marriage with Thomas M. Reynolds, her present husband. But the act of Congress authorizing the making of this roll by the Commission directs the enrollment be made in accordance with the Cherokee customs and laws, and Section 687 of the Compiled Laws of the Cherokee Nation, 1892, which is also found in the compilation of 1880, which shows that it was enacted prior to that time and therefore prior to Anna P. Reynolds' separation from her first husband, is as follows: "No marriage shall be contracted while either of the parties has a husband or wife living". It will be observed that the testimony is very empty about any search having been made for the supposed dead husband. And so the said husband, [illegible]

the Commission, even if it takes the other view of the law, or in other words, if it decides that the absence of so many years is a presumption of death, will decide that the facts in this case warrant a presumption of death of the first husband of Anna P. Reynolds, for the reason that she must have known his whereabouts: she must have known that he went to Colorado, because she testifies that he secured a divorce from her there; and her testimony with reference to her search for him is entirely too insufficient meagre to justify the inference that she thought he was dead. The Commission will observe from the testimony that she attempted to conceal the fact that she had been previously twice married, and when asked about her former husbands marriages she only gave one until the direct question was asked her.

Another suspicious circumstance connected with this enrollment, which should go to the credibility of the person making the application, is that her home and post-office is Afton, I. T., and instead of making this application at Fairland, about eight miles on the east, or at Vinita, about twelve miles on the west, or at Chelsea, some thirty miles on the west, she preferred to go to Nowata, a distance of some fifty or sixty miles east of Afton. We contend that the testimony in the first place is entirely insufficient for the presumption of the death of William Hilderbrand; but upon the other hand his wife must have known that he was living, because she says in her breath that he secured a divorce from her and in the next she attempts to excuse herself on the ground that they were both Indians. Hence we must conclude that his death must have been after that of her part. But the Cherokee law above quoted forbids the marriage of any person while either has a husband or wife living. And we contend that the wife of applicant was not free

to contract marriage with him, and therefore his marriage to her was illegal, and conferred no rights of citizenship upon him by intermarriage.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

W. H. M.

(283)

Cherokee D 621.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas M. Reynolds as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 17,1900, Anna P. Reynolds appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment, among others, of Thomas M. Reynolds as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 5,1902 and June 14,1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Thomas M. Reynolds was married under a Cherokee marriage license on November 2,1895, to Anna P. Cromwell, a citizen by blood of the Cherokee Nation. The said Anna P. Reynolds is identified on the 1880 authenticated tribal roll of the Cherokee Nation under the name of Anna Rogers, as a native Cherokee. The said Anna P. Reynolds appears to have been married three times. Her first husband is shown to have been William Hildebrand from whom she separated in 1882 or 1883, but it does not appear that they have ever been divorced, and he was living at the date of her marriage to the applicant, Thomas M. Reynolds, and at the date of the application herein. It further appears that the said William Hildebrand was married in the State of Colorado on June 15,1897 to Margaret Terrion. Her second husband was Zed D. Cromwell who was dead at the date of her marriage to Thomas M. Reynolds.

Section 697 of the Compiled Laws of the Cherokee Nation (1892), provides:

"No marriage shall be contracted while either of the parties has a husband or wife living";

Section 698 of the Compiled Laws of the Cherokee Nation (1892), provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment or decree of other legal proceedings".

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

It is, therefore, the opinion of this Commission that the ap-

plication for the enrollment of Thomas M. Reynolds as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Muskogee, Indian Territory,

this_____

D D621

FILED
SEP 25 1907

COMMISSIONERS:
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE

ALTON A. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902.

Mrs. Anna P. Reynolds,
Afton, Indian Territory,

Madam:-

You are hereby notified that the application of Thomas M. Reynolds

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 5th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representative of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, and said Representative will be notified to appear at that time to introduce such testimony before the Commission.

You are required to supply the Commission with copy of decree of divorce from your former husband William Hilderbrand.

Dockets P-631
Register.

Commissioner in Charge.

Cherokee-D-621

Muskogee, Indian Territory, May 13, 1902.

Mr. Thomas M. Leynolds,

Afton, Indian Territory.

Sir:

In the matter of the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, you are required to supply the Commission with a certified copy of the decree of divorce of your wife, Anna P., from her former husband, William Tildebrand.

You will be allowed fifteen days from receipt hereof within which to comply with this requirement.

Yours truly,

ACTING CHAIRMAN.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherc. D-621.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 31, 1902.

J. W. Davenport, Esq.,
Attorney at Law,
Vinita, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd inst. requesting that you be granted further time in which to procure evidence as to the divorce of Mrs. T. M. Reynolds from her former husband, Hilderbrand.

In reply you are advised that you will be given until June 15, 1902, in which to furnish the Commission with said evidence.

Yours truly,

Commissioner in Charge.

Cherokee No.
D.8821

Muskogee, Indian Territory, January 10, 1907.

Thomas Y. Reynolds,

Afton, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
Wallace Hall	1137
Mary Ella Lattimore	1141
Maggie L. Keys	1149
[illegible]	1177
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Savers	2474
William T Jones	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L Morgan	2568
Andrew A Brown	2575
Louis K Lair	2623
James L Mitchell	2644
Martha E McNair	2650
Millard F Eggleston	2668
Elisha M Gray	2686
Jessie M Ballard	2694
Annie Mayes	2708
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[illegible]	2853
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Nancy J. Kinney	4225	Roxie J Ketchum	4623
Sydney E Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C Bratcher	4634
James R. Fugate	4275	Pigrow L Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C Peck	4652
William A Long	4304	Mont C Frazier	4653
Mollie Swannock	4319	Frank J Mayberry	4656
Frances Guess	4324	Charles W Moore	4660
Allen H Gibson	4327	Jefferson D Edmondson	4661
John McFall Jr	4343	[illegible] H [illegible]	4662
Albert W Fitzsimmons	4360	[illegible] C Mack	4668
George S Ford	4386	[illegible] Wilson	4669
Quinn Carr	4387	[illegible] F Burgess	4671
William A Powell	4390	[illegible] Breeden	4673
Austin Hasley	4400	[illegible] M [illegible]	4676
[illegible] Bibb	4424	[illegible] A [illegible]	4684
[illegible] [illegible]	4428	[illegible] [illegible]	4689
[illegible] P [illegible]	4440	[illegible] [illegible]	4691
[illegible] [illegible]	4450	[illegible] [illegible]	4694
[illegible] M [illegible]	4461	[illegible] [illegible]	4697
[illegible] J [illegible]	4467	[illegible] W [illegible]	4698
[illegible] [illegible]	4477	[illegible] [illegible]	4700
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Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R Goodall	5356
Charles Horton	5390
James W Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H [illegible]	5484
Lizzie Hall	5487
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Paulina P Pitcher	5614
Charley Headrick	5615
William N Stinson	5616
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Effie M Adams	5622
John H Shump	5624
Thomas B Dickson	5625
Minnie Henry	5628
Thomas J Simpson	5629
Cap L Lane	5630
Reuben E DeLozier	5631
John Heape	5640
Perry G Brock	5645
Mary J Newcomb	5650
George W Seigel	5660
Martha A Parks	5666
Zelda C Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nettie Brazpacket	5677
Lucy Barnes	5679
Thomas B Wood	5684
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William H Hinton	5846
Joseph Lehr	5851
Enn M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W Young	5872
Earley F Ellis	5874
Rosa B Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H Merchant	5888
John D Merchant	5889
Sarah E Ghormley	5894
Jerry Young	5906
James H Bracken	5916
Mary Hicks	5919
George W [illegible]	5924
Albert Crain	5926
James M [illegible]	5932
Albert W [illegible]	5935
Jesse M [illegible]	5940
Wardie Hopson	5947
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Mary T [illegible]	5963
Lillie A [illegible]	5966
Annie Hutchison	5970
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Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G Langley	6038
John T Ham	6042
Mary L Jordan	6048
John W Bradshaw	6076
James L Dean	6079
Amanda J Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D Ryals	6113
John C DeLozier	6117
Jessie Willis	6118
Mary A Clark	6124
Mary J Lupton	6126
Leander Newton	6136
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[illegible]	6320
[illegible]	6321

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark P. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
[illegible] S. Ross	6443
Daniel A. [illegible]	6447
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary I Foreman	7158
Alma West	7159
James M Conradh	7161
Frances M Crowell	7163
Latanie I McClure	7171
Benjamin B [illegible]	7176
Ada Pharres	7180
William I [illegible]	7184
Frances B Perry	7191
Philip Sheatz	7210
Hester A Mount	7212
[illegible]	7213
[illegible]	7217
[illegible]	7238
[illegible]	7245
[illegible]	7250
[illegible]	7265
[illegible]	7267
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Joseph P Smith	9550
George E Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Jane Thomas	9562
James E Petty	9563
Laura McCrary	9566
Joel D Smith	9568
William T Cave	9572
William Bugher	9577
James M Smith	9582
John F Nazworthy	9583
Beverly L Lafon	9587
Robert L Gentry	9590
John C Barker	9591
[illegible]	9593
[illegible]	9596
[illegible]	9598
[illegible]	9599
[illegible]	9600
[illegible]	9602
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condra	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Lister	10047
Darius B. Trash	10049
Harry A. Keeles	10050
Mary F. [illegible]	10051
Morton L. [illegible]	10052
George W. [illegible]	10053
[illegible]	10054
[illegible]	10055
[illegible]	10056
[illegible]	10058
[illegible]	10059
[illegible]	10060
[illegible]	10062
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nannie Martin		10210
Sarah A Fields		10214
Susie Henderson		10216
Charles H Rienhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Timberlake		10226
George A Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M Cooter	D	17
Martin L Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	103
George T Ivedly	D	108
Henry C Agent	D	139
Joseph Phipps	D	147
Henry Hinton	D	149
David A McClamrock	D	161
[illegible]	D	169
[illegible]	D	180
[illegible]	D	184
[illegible]	D	232
[illegible]	D	242
[illegible]	D	244
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	284
[illegible]	D	285
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H Hulbert	D	891
Mary Brassfield	D	935
James L Tindle	D	944
Silas G Reneckar	D	966
Eliza Wofford	D	967
Jasper L Newton	D	971
John N Gunn	D	974
Hannah Parson	D	989
Nellie C Helterbrand	D	1005
Thomas J Weldon Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M Jones	D	1022
Reuben A Evans	D	1032
Carrie H Cobb	D	1049
John M Burns	D	1069
Sarah E Henson	D	1085
Laura D Henson	D	1086
Hettie I Dowdy	D	[illegible]
Benjamin F Grace	D	[illegible]
Benjamin Strayhorn	D	[illegible]
Nelson Spencer	D	[illegible]
Annie Wilson	D	[illegible]
Ida H Mason	D	[illegible]
Benjamin W Mason	D	[illegible]
Cora Cobb	D	[illegible]
Sara Hughes	D	[illegible]
Benjamin F Rose	D	[illegible]
Martha Lowe	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank E. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipe	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nicliffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
[illegible]	D	2740
[illegible]	D	2741
[illegible]	D	2743
[illegible]	D	2744
[illegible]	D	2748
[illegible]	D	2749
[illegible]		[illegible]
[illegible]		[illegible]
[illegible]		[illegible]

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Juhan Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lazzie Pharriss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah F Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E Thornton	D	3183	Dora Crane	R	628
[illegible]	R	4	Andrew Sitrell	R	642
[illegible]	R	5	John Sitrell	R	642
[illegible]	R	10	Lillie May Wilson	R	643
[illegible]	R	19	Ollie A. Barger	R	656
[illegible]	R	41	Ida Hawkins	R	671
[illegible]	R	45	Lazzie Davis	R	761
[illegible]	R	61	Clara M [illegible]	R	805

Cherokee D621

Muskogee, Indian Territory, March 14, 1907.

Thomas W. Reynolds,

Afton, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

[redacted]

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-1[illegible]
LMC

Cher R 1138

Trans from Cher D 622

Cher R 1138

DEPARTMENT OF
COMMISSION TO THE FILED
OCT 17 1960

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 17 1900 1900.

47 Name Arthur Rodge, Nowata D.T.

District Year 1896 Page 302 No. 323

Citizen by blood Yes Mother's citizenship

Intermarried citizen Yes

Married under what law Cherokee Date of marriage (1883) (1893)

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Filed OCT 1 1900 Certificate Filed OCT 17 1900

Names of Children

	Dist	Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age
		Year	Page	No.	Age

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I.T., OCTOBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Arthur Dodge for the enrollment of himself, his wife and nine children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge testified as follows:

Q What is your full name? A Arthur Dodge.
Q How old are you? A Forty seven.
Q What is your Postoffice? A Nowata.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have put on the rolls; yourself and family?
A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Six; four by my first wife, and two by my last one: She hasthree by her first husband.
Q How many children in the family under twenty one years of age that you want to enroll now? A Nine.
Q Part by your first wife and part by your second wife?
A Yes sir.
Q And then you have some step children? A Yes sir.
Q Are you a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q What is your wife? A This wife is a Cherokee by blood; my first wife was a Shawnee.
Q Have you any marriage license and certificate to your first wife? A Yes sir.

The applicant presents a license, issued by the Clerk of Coowescoowee District, August 24th, 1893, authorizing marriage between himself and Miss Nancy James, and the certificate shows that they were united in marriage on the same day by the Clerk of the District. This is filed herewith.

Q That was your marriage to your first wife? A Yes sir.
Q She was a Cherokee? A She was a Shawnee.
Q She is dead, is she? A Yes sir.
Q When did she die? A In 1891 to the best of my recollection.
Q Did you and she live together from the time of your marriage tuntil she died. A Yes sir.
Q How old was she when she died? A I am sure I can not tell you.
Q How old was she when you married her? A She was about eighteen when I married her, so her sister told me: I would have taken her for an older woman.
Q Was she ever married before she married that wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Now, give me the name of your second wife? A Sarah Ella Ward, when I married her.
Q Was that her maiden name? A No sir, that was her widow name.
She was a widow, was she? A Yes sir.
What was her maiden name? A McDonald.
Was that her nation name? A Yes sir.
What is her father's name? A John McDonald.
Is he dead or living? A Dead.
Give me the name of her mother? A Jane McDonald.
Is she dead or living? A Living.
Is your wife's mother a Cherokee by and by woman? A She is a Cherokee.
How old is your present wife? A Thirty one.
When did you marry her? A Four Mile, I.T.
She is a Cherokee by blood, is she? A Yes sir.
Has she lived in the Cherokee Nation all her life? A Yes sir, I think she has.
Was she ever married before except to [illegible] Ward?
Has she any by Ward and both of them were married twice.
Were they both dead when she married you? A I do not know.
Now give me the names of your children, please? A Ada Mary [illegible].
How old is [illegible]? A Born June 9th, 1884.

Q Next child? A James Jefferson Dodge.
Q How old is he? A Fifteen.
Q Next child? A Margaret Mabel Dodge.
Q How old is that child? A Thirteen.
Q Next child? A William Albro.
Q How old is that child? A Eleven years old.
Q Now the next child? A Jack Smith.
Q How old is that child? A Fourteen years old.
Q Next child? A Lenorah Ward.
Q That is your wifes child by another husband? A Yes sir.
Q How old is that child? A Nine.
Q Next child? A Violet Ward.
Q Is she by her husband Ward? A Yes sir. Born June 9th, 1893.
Q Next child? A Alma Estella Dodge.
Q How old? A Five years old.
Q Next child? A Fidella Dodge.
Q How old? A Born April 12th, 1900.
Q They are all living now, are they? A Yes sir.
Q ~~William Jr and~~ Alma E. and Fidella are by your last wife; your present marriage? A Yes sir.

Sarah Dodge, being sworn and examined by Commissioner, C. R. Brockenridge, testified as follows:

Q What is your full name? A Sarah Dodge.
Q How old are you? A Thirty one.
Q Give me the name of your father? A Jackson McDonald.
Q He is dead is he? A Yes sir.
Q And your mother's name? A Jane McDonald.
Q She is living, is she? A Yes sir.
Q You have been married three times, have you? A Yes sir.
Q Give me the name of your first husband A Frank Smith.
Q When did you marry him? A I married him fourteen years ago I believe this October.
Q Was he a white man? A Yes sir! I was fifteen years ago, [illegible] fifteen years old.
Q Is he (Frank Smith) dead? A I guess he is dead, I do not know.
Q How long did you live with him? A He has been gone fourteen years.
Q You lived with him as wife? A Yes sir.
Q Were you ever divorced from him? A Yes sir.
Q Did you get a [illegible] decree of divorce? A No sir, he was sent to the penitentiary for three years, and that gave me the privilege I went to the Judge and he said that granted me a divorce.
Q Who is your husband? A Yes sir, [illegible].
Q How long were you married to him? A [illegible].
Q Have you a decree of divorce? A No sir.
Q What is the name of your present husband? A Harry Ward.
Q When did you marry him? A [illegible], I think it was.

Q Was he a white man? A Yes sir.
Q How long did you live with him? A [illegible] I think it was.
Q And what became of him? A Yes sir.
Q You lived with him as wife? A Yes sir, he died.
Q And then you married Harry Ward? A Yes sir.
Q Were you ever divorced from him? A No sir.
Q That was your name in Illinois? A McDonald.
Q You were in Illinois [illegible] 1898, were you? A Yes sir.

[illegible] Page [illegible] Wm. McDonald, Illinois St.)
[illegible] Page [illegible] Arthur Dodge, Dec. Married)
[illegible] Page 140 [illegible] Albro Dodge, dec. Married)
[illegible] Page 220 [illegible] Alma Dodge. Dec. Married

(1896 Roll, Page 339, #113, James J. Dodge, Coo. District)
(1896 Roll, Page 339, #114, Marguerette M. Dodge, Coo. District)
(1896 Roll, Page 339, #115, William A. Dodge, Coo. District)
(1896 Roll, Page 188, #1863, Almo R. Dodge, Coo. District)
(1896 Roll, Page 259, #4525, Jack Smith, Coo. District)
(1896 Roll, Page 286, #5272, Lenora Ward, Coo. D'st)
(1896 Roll, Page 286, #5273, Violet Ward, Coo. District)

Elizabeth Mallin, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Elizabeth Mallin.
Q How old are you? A Forty eight.
Q What is your Postoffice? A Nowata.
Q How long have you lived in the Cherokee Nation; all your life?
A Nearly.
Q Did you come here with the Shawnees? A Yes sir.
Q You are a Shawnee by blood, are you? A Yes sir.
Q Are you a full blood Shawnee? A Yes sir.
Q Do you know anything about a woman named Nancy James, who married Arthur Dodge? A Yes sir.
Q Was she kin to you? A She was my niece; my sister's child.
Q What is her father's name? A John James.
Q When did he die? A I do not know whether he is dead or not.
Q Was he a white man? A Yes sir.
Q What is her mother's name? A Jane James.
Q Is she dead? A Yes sir.
Q Was she a Shawnee woman? A Yes sir.
Q A full blood? A Yes sir.
Q When did she die? A About seventeen years ago.
Q What was her name twenty years ago: When the roll of 1880 was taken: Was she called James then? A No sir; I think not.
Q What was she called? A Gibbs.
Q Did she bear any other name: Was she always known as James or Gibbs? A Yes sir.
Q She never was known as Pumpkin, was she? A Yes sir; that was her father.
Q Her maiden name was Jane Pumpkin? A Yes sir.
Q Did Nancy James ever live in Delaware District? A Yes sir; she went to school there.
Q Was she on the Dryman roll there? A I think she was.
Q Did Nancy have any other name besides Nancy? A That is all.
Q That is all you know of? A Yes sir.
Q Can you tell me any way by which I can find this woman on the roll of 1880: How she was enrolled there? A I can not.
Q Has this Nancy James a kin in the Cherokee Nation? A No sir
Q Where was she then? A In Kansas.
Q When did she come here? A She came from the Shawnee name ere.
Q I am talking about the Nancy James that married this man, Arthur Dodge? A That is the one. She was a little girl when the Shawnees came.
Q And did she live here all of her life in the time she died?
A Yes sir.
Q Did you come along with them? A No sir; that came first.
Q That came before 1869? A Yes sir.

[illegible] Page 114, #1863 Jane James Pumpkin, Cher. District)

Q How does Jane Pumpkin, who was the mother of this woman who married Arthur Dodge, come out here? A Yes sir.
Q And Arthur Dodge's first wife came with her mother?
A Yes sir.
Q You know that? A Yes sir.

The applicant applies for the enrollment of himself, his wife and nine children: His first wife died some years ago: She is shown to have been a Shawnee: She can not be identified on the roll of 1880, and she died before the roll of 1896 was made: Her mother is identified on the roll of 1880, and her aunt testified that the applicant's first wife came with her mother, with the Shawnees, and lived here until she died: Doubtless her name is on the roll of 1880, but we can not definately identify it. After the death of that wife, the applicant married a second time, and he is identified on the roll of 1896, but his present wife, who is the wife of second marriage, while she is shown to be a Cherokee, and is identified on the roll of 1880; yet she had been married twice before, and she never procured a decree of divorce from her first husband. Therefore, the applicant's application for his own enrollment will be placed upon a doubtful card, he being classed as a Cherokee by intermarriage; and the final conclusion of the Commission will be communicated to him at his Postoffice address.

His present wife is identified on the rolls of 1880 and 1896, as a native Cherokee: She has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee by blood.

The first four children named in the testimony, Adam, James J., Margaret M. and William A. Dodge are the applicant's children by his first wife, a Shawnee: They are minors; are all living now, and they will be listed for enrollment as Cherokee Shawnees.

The next child, Jack Smith, is the child of the applicant's present wife by a former husband: This child is identified on the roll of 1896, and will be listed now for enrollment as a Cherokee by blood.

The two children, Lenora and Violet Ward are children of the applicant's wife by another husband: They are living now, and are identified on the roll of 1896: They will be listed for enrollment as Cherokees by blood.

The next child, Alma M. Dodge, a child of the present wife, is identified on the roll of 1896; is living now, and will be listed for enrollment as a Cherokee by blood.

When the Commission is supplied with a certificate of the birth of the child, Fidelia Dodge, also a child of the present marriage, this child also will be listed for enrollment as a Cherokee by blood.

The applicant has filed Cherokee license and certificate of his first marriage, and he desires to examine, if possible, a copy of the decree of the divorce of his present wife from her husband Frank Smith, though the applicant's wife states that no divorce proceedings of a formal character were ever had.

The undersigned, being sworn, states that as stenographer for the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this [illegible] day of [illegible], 1906.

"R"

Cherokee D 622

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Arthur Dodge for enrollment as a Cherokee citizen.

Appearances:
Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: March 5th,1902, appears in person.

ARTHUR DODGE, being first duly sworn and being examined testified as follows:
BY COMMISSION:

Q What is your name? A Arthur Dodge.
Q How old are you? A Soon be 49 years old.
Q What is your post office address? A Delaware at present, live right above Nowata nine miles.
Q Are you an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q Is there any statement you desire to make relative to your application for enrollment of yourself as a citizen of the Cherokee Nation? A I don't know; to tell the truth I don't know what grounds I am rejected on; what grounds I am held out on.
Q You were present when the original application for your enrollment was made to the Commission? A Only part of the time; when it was called up; then I stepped out and when I got back they had passed me over.
Q You were married before you married your present wife? A Yes sir.
Q Was your first wife dead when you married your last wife? A Yes sir.
Q Was your present wife ever married before she married you? A Yes sir, she was a widow when I married her.
Q Has she only been married once before? A Twice, I believe.
Q Were both of her husbands dead? A Yes sir, I think so, I understand both were dead.
Q You know whether they were or not? A Only by hearsay. I never knew either one of them, I always been told they were both dead.

BY MR. HASTINGS:

Q Who told you, your wife? A Yes sir.

BY COMMISSION:

Q Did your present wife live with her first husband until he died? A I presume so; I am not positive; I don't know anything about it at all.
Q Do you submit the case to the Commission for final consideration? A Yes sir.

BY [illegible]: The applicant in his own behalf and the attorney for the Cherokee Nation on behalf of the Cherokee Nation submit the case, same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

I, M.D.Green, as stenographer to the Commission to the Five Civilized Tribes do hereby certify that I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

R
Cher
Sup'l to D 622-

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

In the matter of the application of Arthur Dodge for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

Applicant present in person;
Cherokee Nation, by J. C. Starr;

SUPPLEMENTAL TESTIMONY.

ARTHUR DODGE, the applicant, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name ? A Arthur Dodge.
Q What is your age ? A About 50.
Q What is your post office address ? A Nowata.
Q You are an applicant before the Commission for enrollment as a citizen by intermarriage ? A Yes sir.
Q What is the name of your wife through whom you claim your right to enrollment as a citizen by intermarriage of the Cherokee Nation ?
A Nancy Jane.
Q Were you ever marriedb efore you married her ? A No sir.
Q Was she ever married before she married you ? A No sir.
Q Did she ever live with anybody prior to her marriage to you ?
A No sir.
Q Wasn't she married to a man named Frank Smith ?
A No sir, that's my last wife.
Q Is your last wife a Cherokee ? A Yes sir, a Cherokee by birth.
Q When were you married to your last wife ?
A The 13th day of July, 1893.
Q On the first day of July you were requested to furnish the Commission with either the original or a certified copy showing your marriage to your present wife, has that certificate been supplied ?
A No sir, but I have a couple of witnesses down stairs here, I can produce to show as near as I can. That certificate was lost.
Q You were also requested to supply a certified copy of the decree of divorce of your wife from Frank Smith, have you that ?
A No sir, I have witnesses to establish that fact; that he abandoned her; I thought it was impossible to get a copy of the divorce.

C. L. BOWDEN, called as a witness on behalf of applicant, being duly sworn and examined by the Commission, testified as follows

Q What is your name ? A C. L. Bowden.
Q What is your age, and post office address ?
A I am 58, & live at Fort Gibson, I. T.
Q Are you acquainted with the applicant in this case, Arthur Dodge ?
A Yes sir.
Q How long have you known him ?
A I have known him twelve or fifteen years.
Q What is the name of his present wife ? A Ella.
Q Was she ever married before she married the applicant ?
A Yes sir.
Q What was the name of her husband ? A Frank Smith.

Q How long did she and Frank Smith live together as man and wife ?
A I don't know, sir, I think about a year.
Q Were they divorced ? A Yes sir they were divorced.
Q Where was the divorce granted ? A It was granted in Illinois District, at Garfield.
Q Cherokee Nation ? A Yes sir.
Q How do you know that a divorce was granted to applicant's wife ?
A I was there at the court house at the time. Martin Benge, my brother-in-law was prosecuting attorney, and he told me the divorce was granted. Ella Dodge is my step-daughter. He told me that the divorce had been granted.
Q Have you any reason to believe that there never was any divorce granted ? A No sir, I am satisfied there was.
Q Where is Smith now ? A The last I heard of him he was in Texas. He abandoned my step-daughter, and run off, and I heard that he was in western Texas.
Q Is he married ? A I don't know.
Q How long after the separation of Frank Smith and your step-daughter before she and applicant were married ?
A I think two or three years.
Q Was it generally understood in the community that the divorce had been granted ? A Oh yes sir, that was the understanding.
Q Do you know anything about the marriage of the applicant and his present wife ? A No sir. They were not married at my place. They were married at Nowata.
Q You didn't see the license ? A No sir.
Q Do you know whether they have been living together continuously since the time they were said to have been married to the present time ? A Yes sir.

Examined by J. C. Starr:

Q Who was Judge of the court at the time you claim this divorce was granted ? A I believe it was Henry Meigs.
Q Do you remember who was clerk of the court ?
A Jeannie Thornton, I believe.
Q Is he living ? A No sir, he's dead.
Q Is Mr. Meigs alive ? A Yes sir.
Q Where does he live ? A At Fort Gibson.
Q Martin B. Benge is living too ? A Yes sir.
Q He lives at Fort Gibson ? A Yes sir, lives at Fort Gibson.
Q You don't know of your own knowledge that this divorce was granted do you ? A No sir, only what Mr. Benge told me. I was there and he told me that the divorce was granted. Mart told me--he's my brother-in-law--he told me that the divorce had been granted. And I haven't a question of it in my mind but what it was granted.

SUSAN COONS, called as a witness on behalf of applicant, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Susan Coons.
Q How old are you ? A Fifty-four years old.
Q What is your post office address ? A Delaware, I. T.
Q Are you acquainted with the applicant in this case, Artimer Dodge ?
A Yes sir.
Q Do you know his wife ? A Yes sir.
Q What is her name ? A I don't remember her given name.
Q What was her name before she married Dodge ? A I don't know.
Q Do you know anything about her marriage to Mr. Dodge ?
A I know that Mr. Dodge came to our house after the minister to go with him and marry him, and when he returned he said "They are now man and wife".

Q What was the name of the minister ? A Mr. Gunsaulis, J. B., he give his name.
Q Is he living now ? A No sir.
Q You didn't witness the ceremony ? A No sir.
Q Did you see the license ? A No sir, they didn't have a license then, I think. I seen them going and coming; I didn't see them married. I saw his certificate that they wrote out for him after they was married.
Q You did see that ? A Yes sir.
Q What has become of that certificate ? A I can't tell you.
Q Do you know whether he and his wife are living together at this time ? A Yes sir.
Q Where do they live now ? A On their place on Wolfe Creek.
Q How far is that from your place ? A Their place joins ours on the west; it is only a short distance.
Q They have been living together continuously from that time ?
A Yes sir, I have heard no complaint at all. I knew his first wife. He was always a peaceable, quiet man so far as I know, with his family and with his neighbors.

Examined by J. C. Starr:

Q Did you read that certificate of marriage that you say you saw ?
A I read it, but I can't remember it now.
Q Who signed it ? A I did. I signed it in this way: that I knew he went there for that purpose; it was to show when he got him. He said there was a certificate to show that he married him, and that I knew what he went there for.
Q The minister wrote the certificate after he come back, and you signed it as a witness ? A Yes sir.
Q You weren't present, and didn't see the ceremony performed ?
A No sir. I saw him go and saw him return. They were all old acquaintances, and when he come back he said "I will show you my present". It was a five dollar bill he give him for marrying him, and told what it was for. The minister made his home with us while he was preaching in the nation.

By the Commission:

Q Do you know when this marriage ceremony was performed; what year ? A I think it was in 1893.
Q How long had you known applicant's wife before they were married ?
A I never knowher personally, but I had seen her pass, and knew who she was.
Q Do you know anything about her previous marriages ?
A No sir, I don't know anything about it.

Examined by J. C. Starr:

Q Did you know her before she was married to Dodge ?
A No sir. I am well acquainted with Mr. Dodge, and have been for years.
Q You don't even know her name now ?
A I don't know her given name. I have heard it many a time, not thinking that it would ever amount to anything I didn't charge my mind. I just remember the marriage because he come after the preacher and was in a kind of a hurry to get the ceremony over before the hands come in. It seemed to be a kind of a joke with the hands. It seemed that he wanted to kind of surprise them, and I remember it better on that account. There was others there.

GEORGE SMITH, called as a witness on behalf of the applicant, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A George Smith.
Q How old are you ? A Thirty eight.
Q What is your post office address ? A Delaware, I. T.
Q Do you know Arthur Dodge, the applicant in this case ?
A Yes sir.
Q Do you know his present wife ? A Yes sir.
Q What do you know about the marriage of Arthur Dodge and his wife ? A Well, I know I wasn't there at the time, but the preacher stayed at my place there, and he come for him and he went over there. I seen them going, and when he come back to my place he told me he was married.
Q You didn't see the ceremony performed ? A No sir.
Q Who married them ? A J. B. Gunsaulis.
Q Was he staying with you at that time ? A Yes sir.
Q What relation are you to this woman who has just testified ?
A She is my mother-in-law.
Q Did Gunsaulis tell you that he married these people ?
A Yes sir.
Q He is dead now ? A Yes sir.
Q Has Dodge been living in your neighborhood since his marriage ?
A Yes sir, on Wolfe Creek.
Q He and his wife are living together ? A Yes sir.
Q Have they always lived together since their marriage ?
A Yes sir.

ARTHUR DODGE, the applicant, being recalled, testified as follows:

Q How often has your present wife been married ?
A I am her third husband, is my understanding.
Q She testified in the case when you made the original application ?
A I presume so. I wasn't present in the room at the time.
Q You made the original application ? A Yes sir. I went out to see a witness, and I don't know what her testimony was.
Q She testified that day that the name of her second husband was Aaron Ward ? A Yes sir.
Q And that she was married to him in 1896 ? A She has got that wrong. It must have been 1886. I was married to her in '93. She had a child this big (indicating) when I married her--Ward's child.
Q He was dead when you married her ? A Yes sir.

The Commission: The case will be continued for ten days from the date hereof, in order to allow applicant an opportunity to introduce testimony of Martin B. Bunge and Henry Bigs as to the separation of applicant's wife from her first husband Frank Smith.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this August 18, 1908.

R
Cher D 622

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 25, 1902.

In the matter of the application of Arthur Dodge, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

SUPPLEMENTAL TESTIMONY FOR APPLICANT.

Appearances:
Applicant not present;
Cherokee Nation present by W. W. Hastings:

MARTIN B. BENGE, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Martin B. Benge.
Q What is your age ? A About forty-five.
Q What is your post office address ? A Fort Gibson.
Q Are you a recognized citizen of the Cherokee Nation ?
A Yes sir.
Q Do you know the applicant, Arthur Dodge ? A Yes sir.
Q How long have you known him ? A I have known him ever since along about 1874, was the first time I saw him.
Q About how old is he ? A Well I can't state how old he is. I guess, though, he is a man about as old as I am. I guess he is older.
Q Do you know his present wife ? A Yes sir.
Q What is her name ? A Ella Dodge.
Q How long have you known her ?
A I have known her ever since she was a child. All her life.
Q Do you know how long Arthur Dodge has been married to his present wife ? A I think--no I can't state; it was either in 1892 or 1893, or somewheres along there.
Q Was he ever married before he married his wife Ella ?
A Yes sir.
Q What was his first wife's name ? A I have forgotten what her given name was.
Q Do you know anything about his first marriage ? A No sir, only know that he was living with a woman said to be his wife.
Q Was Ella ever married before she married Arthur Dodge ?
A Yes sir.
Q What was the name of her first husband ? A Frank Smith.
Q Was Frank Smith living when she was married to Dodge ?
A I can't state as to that, he had been gone away from here for some time.
Q Had she separated from Frank Smith when she married Arthur Dodge ? A Yes sir, Frank Smith left her.
Q Do you know whether a divorce was obtained ?
A No sir, I do not.
Q Did Frank Smith leave Ella or did she leave him ?
A He left her.
Q What do you know about the separation ?
A He stole a filly and they sent him to jail, and he broke jail, and came by where I lived and said he was going to Texas, and that was the last I ever saw of him.
Q How long before Ella married Dodge ?
A It was some little while. It was about [illegible] when Smith left this country.
Q Do you know whether Smith ever returned to this country after he went to Texas ? A No sir, I never heard of it.

Q Was he had lived with him up to the time he stole the filly and went to jail ? A Yes sir.
Q That's the only reason you know for the separation ?
A That's the only reason I know for the separation. I saw a letter, but I can't tell who had the letter, but it was from an officer from Fort Smith, who wrote up here inquiring about this man before he got in this trouble, and claimed that he was wanted in some county in Arkansas, and that his name wasn't Frank Smith, but that his name was Boyd, and he had a wife and two children down there in Arkansas.
Q You don't know that of your own personal knowledge ?
A No sir.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this September 2, 1902.

B C Jones

Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 27th, 1902.

In the matter of the application of Arthur Dodge for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-622.

ARTHUR DODGE, being duly sworn, testified as follows:--
Examination by the Commission.

Q. What is your name? A. Arthur Dodge.
Q. How old are you, Mr. Dodge? A. About 50 years old.
Q. What is your post office address? A. Now it is Delaware, Indian Territory. It used to be Nowata.
Q. Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A. Yes, sir.
Q. What is your wife's name? A. My present wife's name is Ella.
Q. Is she living? A. Yes, sir.
Q. Is she a Cherokee citizen by blood? A. A Cherokee by blood.
Q. When were you married to your wife Ella? A. July, '93.
Q. July, '93? A. Yes, sir.
Q. Had you ever been married before you were married to her?
A. Yes, sir.
Q. How many times before? A. Once.
Q. What was your first wife's name? A. Nancy James.
Q. Was Nancy James a white woman or Cherokee? A. She was Shawnee; Shawnee citizen of the Cherokee Nation.
Q. Were you married to her under a Cherokee license?
A. Yes, sir.
Q. Have you filed your certificate and license with the Commission?
A. Yes, sir.
Q. When did you file it? A. At Nowata. At least they asked for it and I turned it over to them.
Q. You say your first wife name is Nancy James? A. Yes, sir.
Q. What was her father's name? A. I don't know, sir.
Q. What was her mother's name? A. Her mother's name was Jane. Jane Pumpkin before she married James.
Q. Is her mother and father both dead at this time? A. Yes, sir. Been dead long years. I never knew either one.
Q. Both dead when you married her? A. Yes, sir.
Q. When did you marry your first wife? A. I believe it was '[illegible].
Q. Would her name be on the eighty roll as Nancy James or Nancy Pumpkin? A. Be on there as Nancy James.
Q. What district was your wife living in--your first wife--when you married her? A. Tecumseh[illegible]wee.
Q. Had she always lived in Tecumseh[illegible]wee? A. I couldn't tell you that for I didn't live there very long.
Q. You don't know where she did live before you got acquainted with her? A. No, sir.
Q. How long had you known her before you married her? A. About 5 or 6 months. She came from the orphan asylum school. The first time I saw her she was at the school there.
Q. Was your first wife, Nancy James, ever married before you married her? A. No, sir.
Q. How old was she when you married her? A. She was only about 16 or 18. I should judge about 18.

The [illegible] enrollment roll examined and the name of applicant's first wife is identified thereon page 194, [illegible] Tecumseh[illegible]wee district, as Jane James Pumpkin, 34 years of age.

The 1880 authenticated roll examined and applicant's first wife is not identified thereon.

Q. You say you have already filed your marriage license with the Commission? A. Yes, sir; at Nowata.
Q. Did your wife ever go by any other name? A. No, never had any other name except Nancy James that I know of.
Q. You don't know how long her mother had been dead when you married her? A. No, sir; I don't.
Q. Did your wife have any other name besides Nancy? A. Never went by any other name.
Q. Did your wife have a sister by the name of Mary? A. Yes, sir; had a half sister.
Q. Was this Mary a half sister? A. Yes, sir.
Q. Same mother? A. Same mother and different fathers. Then there is another by the name of Emma.
Q. All had the same mother? A. Same mother but different fathers.
Q. Is Mary younger or older than your wife? A. Younger, several years.
Q. When did your first wife die? A. I declare I don't know the date now but she has been dead about 12 or 15 years.

The 1880 authenticated roll further examined and the half sister of applicant's first wife is identified thereon, page 154, #2190, Cooweescoowee district, as Mary James Pumpkin, 5 years of age.

Q. Did you and your wife live together from the time you were married up until the time of her death? A. Yes, sir.
Q. Never was separated? A. No, sir.
Q. After her death you married your present wife? A. About three years after she died I married this last one.
Q. Your last wife is a Cherokee by blood? A. Yes, sir.
Q. Do you know anything about where your first wife was born?
A. No, sir; I don't.
Q. You don't know whether she was born here in the Nation or came with the Shawnees? A. No, sir; I couldn't tell you.
Q. Was your wife's mother a Shawnee? A. Shawnee full blood.
Q. Was your wife's father a white man? A. White man.
Q. Had she ever been married prior to her marriage to your wife's father, James? A. I couldn't tell you.
Q. Have you and your last wife lived together since your marriage up to the present time? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. Were you living together on the first of September, 1902.
A. Yes, sir.
Q. Have you lived in the Cherokee Nation since your marriage to your first wife? A. Yes, sir.
Q. Up to the present time? A. Yes, sir.

Jesse E. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible] September, 1902.

[illegible]

(Copy)

Cherokee Nation
Cooweescoowee District
To Whom it May Concern

Be it known that I Jno Bullette C Clerk in and for the aforesaid District and Nation by the authority in me vested by Law do this day Issue this License of Marriage to Arther Dodge a citizen of the United States to Marry Miss Nancy James a Citizen of the Cherokee Nation said Arther Dodge having Complied with the law in regard to Intermarriage with white Men and Foreigners

Therefore any ordained Minister of the Gospel of any evangelical Denomination or any of the several Judges & Clerks are hereby authorised to solemnized the rights of Matrimony between the parties and attach a Certificate of such marriage on the back of this license & return within thirty days for record

Given from under my hand & seal of Office this 24th day of August 1883

Jno Bullette Clerk
Cooweescoowee District
C N

---

this is to certify that Arther Dodge & Miss Nancy James was by me Joined in the rites of Matrimony on this the 24th day of August 1883

Jno Bullette Clerk
Cooweescoowee District
C N

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
MUSKOGEE, I. T., SEPTEMBER 26, 1902.

---o---

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 26th day of September, 1902.

Cherokee D-622.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the enrollment of Arthur Dodge as a citizen by intermarriage of the Cherokee Nation.

\|\| \|\| \|\| \|\| \|\| \|\| \|\| \|\|

D E C I S I O N.

--:o:--

The record in this case shows that on October 17, 1900, Arthur Dodge appeared before the Commission at Nowata, Indian Territory, and made application for his enrollment, among others, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 5, 1902, August 11, 1902, August 25, 1902, and October 27, 1902.

The evidence in this case shows that Arthur Dodge was lawfully married, under authority of a Cherokee marriage license, on August 24, 1883, to one Nancy James. Applicant's said wife died in 1891. The marriage license issued by the Clerk of Cooweescoowee District recites that Nancy James was a citizen of the Cherokee Nation.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 666 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The evidence in this case shows that the applicant secured rights of Cherokee citizenship through intermarriage with his first wife, Nancy James, and that, subsequent to her death, he married his present wife, Sarah Ella, a Cherokee citizen by blood.

[illegible]

It is, therefore, the opinion of this Commission that Arthur Dodge should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of the Act of Congress approved June 28, 1898, (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this

Is Nancy Jones on Shawnee roll Black book # 449 the former wife of Aiken Dodge. Can she be identified on 80 roll "orphan" or any roll prior to 91. When she died

Note

Check 6 24

Name appears on Shawnee Census roll the application does not state when he claims to be married to said Nancy Jones but on the roll made to Dec 31 1859 shows that he had children by Nancy Jones

EXECUTIVE DEPARTMENT

CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

I, A.B.Cunningham, Assistant Executive Secretary of the Cherokee Nation do hereby certify that I have carefully examined the Circuit court record for Illinois District Cherokee Nation, for the years of 1884 to 1890, and failed to find any record of divorce of Ella Smith from Frank Smith: Said Circuit Court Record by an act of the National Council was transferred to and made a part of the records of this Department ,and in my custody.

In testimony whereof, I hereunto set my hand and affix the seal of the Cherokee Nation this 15th, day of August, 1902.

A. B. Cunningham

Assistant Executive Secretary

This is to Certify that Mr. George
& Miss Nancy Jones were by me Joined
in the state of Matrimony on the
the 20th day of August 1787

Jno Bullock. Min.
Chesterfield Court

Cherokee Nation
Canadian and District

To whom it May Concern

Be it known that I Jno Ballenger Clerk in and for the aforesaid District and Nation by the authority in me vested by Law do this day issue this License of Marriage to Arthur Dodge a Citizen of the United States to Miss Nancy Jane a Citizen of the Cherokee Nation said Arthur Dodge having complied with the law in regard to said marriage with said Miss Nancy

Therefore any ordained Minister of the Gospel of any Congregation denomination or any of the several religious Orders authorized & called upon the rite of Matrimony to join the parties said above named in the Holy bonds of wedlock according to the laws of the United States and the Cherokee Nation

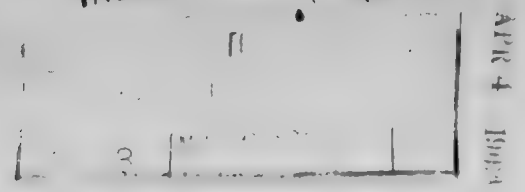
Given from under my hand and seal of Office this 2nd day of August 1873

Jno Ballenger Clerk

(Seal)

(Name illegible) Deputy

INDEXED. 0627



APR 4 1903

Dodge, Arthur,
Delaware, I. T.,
March 27, 1903.

States we will get matters
straightened up as soon as
possible. Will have to locate
certain which wife attended
before we can get information.

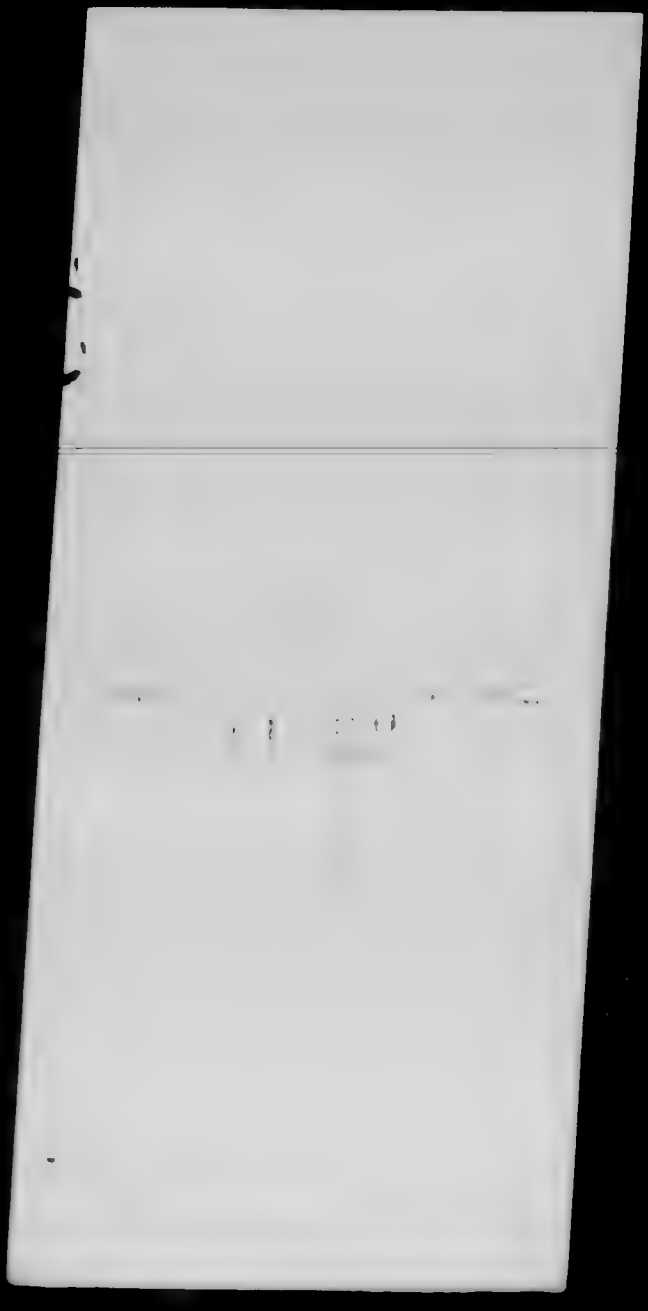
Delaware Ind Ter March 27. 1903

Commission of Five Tribes

Muscogee I.T.

Gentlemen Yours directed to Honata
Recieved in Reply will say it will
be impossible to get things straitened
out by march 31 as requested but will
do so as fast as possible am informed
that my first wife was at one of the
Schools here in the nation during the
three last years before I married her
Orphan Asylum Female Seminary
or Quapaw Agency and will have
to correspond with the different
Superintendents before I can locate
her over Post

Yours
Arthur Lodge



COMMISSIONERS:
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902.

Mr. Arthur Dodge,

Nowata, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

5th day of March, 1902,

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify counsel their intention to introduce such testimony before they will be permitted to do so.

CherokeeD-433
Register.

Commissioner in Charge.

Cherokee D 622.

Muskogee, Indian Territory, July 1st, 1902.

Arthur Dodge, Esq.,

Nowata, Indian Territory.

Sir:-

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of your case, that you submit to this Commission a certified copy of the decree of divorce obtained by your wife from her first husband, Frank Smith, together with a certified copy of your marriage license and certificate, showing your marriage to your present wife.

You are further requested to file with the Commission affidavits as to the birth of your minor child, Fidella Dodge.

This testimony must be furnished on or before July 22, 1902.

Yours truly,

Commissioner in Charge.

Register.

time extended per letter
August 7, 1902

Cherokee D-622

Muskogee, Indian Territory, March 11, 1903.

Arthur Dodge,

Nowata, Indian Territory.

Dear Sir:

You are hereby notified that before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary that you introduce before the Commission evidence identifying your former wife, Nancy James, through whom you claim your right to enrollment, upon some one of the tribal rolls of the Cherokee Nation, or upon the Shawnee Register.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before March 31, 1903.

When you appear please present this letter.

Respectfully,

Chairman.

MMS

Cherokee No.
D .622

Muskogee, Indian Territory, January 10, 1907.

Arthur Dodge,

Delaware, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Encl. Decn. ——f—

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION.

THE RECORDS IN THIS OFFICE SHOW: That prior to October 31, 1902, [illegible] were received in the Commission to the Five Civilized Tribes for the enrollment as citizens by intermarriage of the Cherokee Nation of the following named persons who are listed for enrollment as entitled to intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	1
Benjamin W. Williams	8
Lena Swartz	9
Sarah E. McKay	21
Joseph Hattberger	28
Lenora Hewson	40
William W. Barnes	48
Georgia Wood	54
Charles A. Sellers	62
Adam D. Wolf	65
Samuel L. Turner	71
Sarah M. Tinsley	100
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Peggy Walker	1,276
Mary A. Wilson	1,284
[illegible]	1,285

Sallie Harlan	2,734
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J Harrison	993	John H Holder	1610
Jasper N Bateman	1029	Mary M Burr	1612
Susan Ballard	1065	Thomas L Bonham	1644
Lucy Ixa Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B Brewer	1709
Sarah E Hair	1090	Augie Cordrey	1717
Norman S Drake	1092	Adam Eckert	1722
Susan Hogg	1094	[illegible]	1726
David L Scott	1099	Gust Gibson	1727
James C Taylor	1111	Amos Anderson	1731
Rexie Shepard	1128	[illegible] J Mounts	1734
Robert G Elgin	1136	[illegible] D Alexander	1745
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Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
Wilham T Jones	2501
Sarah L Martin	2502
Wilham J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L Morgan	2568
Andrew A Brown	2575
Louis K Fair	2623
James L Mitchell	2644
Martha E McNair	2659
Millard F Eggleston	2668
Elisha M Gray	2686
Jessie M Ballard	2694
Annie Mayes	2708
Belle Stoecker	2809
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Isaac H. Jordan	4235	Robert K Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C Bratcher	4634
James R Fugate	4275	Pigtow L Jones	4641
Maud Adams	4277	Ada Berthoff	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jacy Dougherty	4649
Robert T Morrison	4294	Samuel [illegible]	4650
Perley Israel	4295	Clevon C Peck	4652
William A Long	4304	Mary C [illegible]	4655
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Frances Guess	4324	Charles W Moore	4660
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Harriette Roger	5240
Amanda Foreman	5244
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John T Gordon	5266
Anton Swedish	5269
Rosaco Henderson	5278
Emma Chapleau	5328
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Joseph A Lawrence	5843
William H Huston	5846
Joseph Lehr	5851
Linn M Young	5852
Mary C Barre	5853
Matilda Thompson	5861
William W Young	5872
Lurley L Ellis	5874
Rosa B Albert	5877
Sarah Cannon	5879
Monroe Beck	5887
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Jesse D Merchant	5889
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James J Snider	6375
William H Wanget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William V Lick	6392
William O Ame	6394
Thomas Walkerson	6396
Alice C Springston	6407
Fanny N Wirt	6413
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Mark F Marberson	6428
Ida L Wilson	6431
George E Mere	6441
Ulysses S Reeve	6443
Daniel A Smith	6447
Henry J Dresser	[illegible]
Sarah Adair	[illegible]
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Cora L Hanks	7147
Otto J Zuhall	7149
Rubs M Norman	7155
Mary I Foreman	7158
Alma West	7159
Lust M Cottam	7161
Frances M Crowell	7163
Lamar L McClure	7171
Benjamin B [illegible]	7176
Ada Parkes	7180
William L Wheatcroft	7184
Frances B Perry	7191
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Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Jane Thomas	9562
James T Petty	9563
Lanta McCrary	9566
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William T Cave	9572
Wmann Bagley	9577
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Addie B Miller	10027
William R Condry	10028
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Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George I. Kidd	D	108
Henry C. Agnew	D	130
Joseph Phipps	D	137
Henry Horne	D	140
Daniel A. McCracken	D	161
Maggie Drumwright	D	229
Anna Lowrey	D	280
Nora Hood	D	384
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Manuel Spencer	D	884	Lonnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. M.h.	D	1337
Silas G. Reneckar	D	966	Alfred H. Wood	D	1342
Eliza Wofford	D	967	Cynthia Whitlock	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Gunn	D	974	Martha J. H.	D	1363
Hannah Parson	D	989	Spencer M. C.	D	1367
Nellie C. Helterbrand	D	1003	Kate Parker	D	1369
Thomas J. Welch Jr.	D	1006	Joseph H. Wood	D	1375
Lizzie Christian	D	1010	Mattie Mc.	D	1427
George Hazlewood	D	1015	S. L. Mann	D	1434
James M. Jones	D	1022	A. J. Sp.	D	1448
Reuben A. Evans	D	1052	Emma Vann	D	1458
Carrie H. Cobb	D	1080	M. Pa.	D	1474
Lena M. Bates	D	1087	C. A. V.	D	1501
Sarah E. Henson	D	1088	C. L. A.	D	1508
Laura D. Henson	D	1089	[illegible]	D	1567
Henry E. D.	D	1090	[illegible]	D	1585
Benjamin F. C.	D	1099	[illegible]	D	1587
Benjamin Sh.	D	1100	[illegible]	D	1588
[illegible]			[illegible]		
[illegible]			[illegible]		
[illegible]			[illegible]	

Herbert I Coucl.	D	2700
Albert C Dykes	D	2703
Debra Drew	D	2704
Frank I Dandeneau	D	2705
James Gifford	D	2708
Anna L Harbr	D	2715
William R Lupe	D	2717
Bertha Lauderdale	D	2718
Ella More	D	2722
John D Mather	D	2723
Mary Mehrtens	D	2725
Bertha Neuffer	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
Irene Ross	D	2739
William H Ross	D	2740
[illegible]	D	2743
[illegible]	D	2745
[illegible]		2744
[illegible]	D	[illegible]
[illegible]		[illegible]
[illegible]		[illegible]
[illegible]

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Peck	D	3083	Malissa Fields	R	144
Lena C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jone	D	3086	Ella Anspach	R	241
Benjamin Law	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Lenin Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lizzie Pharis	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Gaskey	D	3181	Sarah Wilson	R	613
Mat L Thomas	D	3183	Dora Crane	R	628
Minnie Thompson	R	4	Andrew Sarrell	R	642
James G Pinkham	R	5	Jesse Sarrell	R	642
William F Ivey	R	20	Lelia May Wilson	R	643
Mary Russell	R	29	Otis A Barger	R	646
Thomas McConnell	R	41	Ida Hancock	R	674
Irving A Bridges	R	45	Lottie Davis	R	764
Richard J Davis	R	62	Cora M Bowman	R	807

Cherokee D
622

Muskogee, Indian Territory, March 14, 1907.

Arthur Dodge,

Delaware, Indian Territory

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

KPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. [illegible]. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

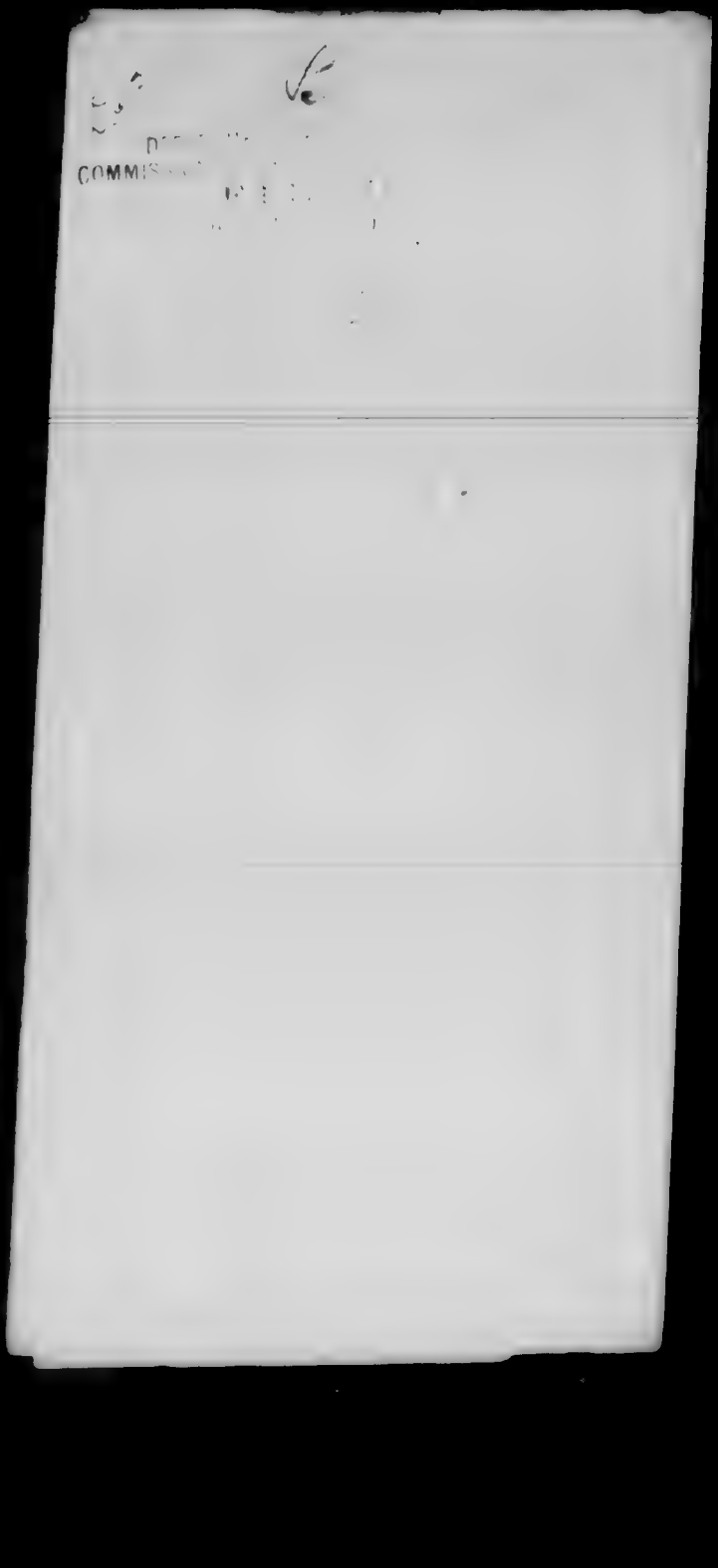
Commissioner.

Encl.C-1[illegible]
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Cher R 1139

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Cher R 1139



Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION

Date OCT 17 1900 1900.

Name Nowata D.T.

District " Year Page No.

Citizen by blood Mother's citizenship "Artful"

Intermarried citizen

Married under what law Date of marriage

License 31 Certificate

Wife's name Carrie L. McClain nee Russell.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I.T., OCTOBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Carrie Louisa McNair for the enrollment of herself as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Carrie Louisa McNair.
Q How old are you? A Thirty four.
Q What is your Postoffice address? A Nowata.
Q What district do you live in? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Adopted.
Q For whom do you apply for enrollment? A My husband.
Q Any children? A No sir.
Q Is your husband a Cherokee citizen by blood? A Yes sir.
Q Has he any middle name? A Robert Lee McNair.
Q What is his age? A Thirty.
Q Where is he? A He is dead.
Q You just want to enroll yourself then? A Yes sir.
Q When were you married to him? A In 1895.
Q What time? A The third of January.
Q Have you a certificate of marriage? A Yes sir.

The applicant presents a certificate of marriage, certifying that she was married to one, Robert Lee McNair, on the 3rd day of January, 1895., having been married in the State of Indiana.
Q Where were you living at the time of your marriage? A At Fort Wayne, Indiana.
Q Do you live there now? A No sir; I live at Nowata.
Q When did you move to the Cherokee Nation: You were married in Indiana in 1895? A Yes sir.
Q You were a resident of Indiana then? A Yes sir.
Q Then when did you come to the Cherokee Nation? A The same day I was married.
Q Did Mr. McNair live in the Cherokee Nation at that time?
A Yes sir.
Q Have you lived continuously in the Cherokee Nation ever since that time? A Only when I was visiting.
Q Have you always kept house here? A No sir.
Q When did your husband die? A The 14th of August, 1895.
Q How long have you been away from Indiana the last time? A I just came last Saturday.
Q The fact is, you reside in Indiana, do you not? A No sir; I was there sick; I did not reside there; I was there for over a year.
Q How long were you in Indiana the last time? A A year.

By Mr. [illegible], Commissioner:
Q Were you and your husband living together at the time of his death? A Yes sir.
Q Is it not a fact that you had left him? A No sir; I just went home because I was in poor health. The doctor [illegible] that was true, but I did not; I went home to be with my folks.
Q How long did you stay in Indiana? A I went home the last time [illegible] April or the first part of May.
Q In 1895? A Yes sir.
Q And how long did you stay? A I was there when my husband was killed; I went home with the intention of visiting, but [illegible] started up in business [illegible] My sister was sick, and I was glad he asked me to stay until he could get settled.
Q You went to Indiana about the last of April or the first of May. [illegible] How long did you stay? A Until he was killed in August.

Q Until he was killed? A Yes sir.
Q How long after he was killed before you returned to the Cherokee Nation? A I do not know just exactly when it was.
Q Was it a year? A Yes sir; it was all of a year, I think.
Q Was it not longer than that? A I do not know.
Q Where were you living on June 28th, 1898? A I think I was Here in Nowata.
Q Is it not a fact that you have been living in Indiana; and been here only temporarily? A I have been here a year: I went back only to visit.

By the Commission:
Q Was your husband accidentally killed? A He was drowned.
Q You were in Indiana at the time? A Yes sir.
Q Were you notified? A Yes sir, but it did not reach me in time.
Q If you had gotten it, would you have returned? A Yes sir.
Q Was there any disagreement between you of any kind? A No sir.
Q You have no children? A No sir.

By Mr. Cale Starr, Cherokee Rep.
Q Did you have a farm in the Cherokee Nation after your husband died? A It was his: I was just trying to get what was right.
Q What property did you leave here? A Two farms of his mother's that he signed over to me, but there has been some trouble about them since.

By the Commission:
Q You are not on the roll of 1896, are you? A No sir.
(1880 Roll, Page 146, #2042, Lee McNair, Coo. District)

Carrie Louisa McNair, the applicant, presents satisfactory proof of her marriage to one, Robert Lee McNair, a Cherokee citizen by blood, in 1895, the said papers being filed herewith.
Her names does not appears upon the rolls of 1896, her said husband being then deceased. The evidence is somewhat conflicting as to her residence; and because of the protest of the Representatives of the Cherokee Nation, final judgment as to the enrollment of the said Carrie Louis McNair as an intermarried citizen will be suspended, and her name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before
me this 28th day of October, 1900.

[redacted]

[redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 18, 1900.

D. 624.

In the matter of the application for the enrollment of Carrie L. McNair.

Additional testimony.

Miller Woody, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Miller Woody.
Q What is your age? A 60.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, by adoption.
Q Do you know Carrie L. McNair? A Yes, sir.

Mr. Gale Starr, representative of Cherokee Nation: Did you know her husband, Lee McNair? A Yes, sir.

Q How long did they live together after they were married? A They lived together from the first of January until the first of May of the same year, in 1895.
Q She left him afterwards? A Yes, sir went home to Fort Wayne.
Q Did you ever know of any reason assigned for leaving him? A Not personally, but the understanding was she wouldn't live with him on the other side of the river, on Woody's Bluff. I owned a place adjoining Mr. McNair's, but I didn't live on it at that time.
Q How long was she gone when she left him? A She was gone about three years and four months; he was drowned the first of August of the same year, in the Verdigris River.
Q Does she live in this country now? A No, sir; she is here at present, came here last week.

Commissioner Needles: You say she left him? A She went home.

Q Do you know what she went for? A She didn't like to live there I guess.
Q Did she tell you so? A No, sir.
Q How do you know she didn't like to live there? A She just moved away is all I can tell you.
Q You don't know what condition her family was in at home? A No, sir, not at all.
Q Did you ever hear Mr. McNair say anything about it? A I heard him say he wasn't able to build a house in town; she agreed to live with him if he would build a house in town.
Q He was drowned while she was away? A Yes, sir, in August of the same year he was married in.
Q She didn't come back to the funeral? A No, sir.
Q Was she notified of it? A I think my daughter wrote to her.
Q Could she get the letter before the funeral? A No, sir.
Q Was she telegraphed? A I don't think she was.
Q You don't suppose a letter could reach her in time to come back here, do you? A No, sir.

Mrs. Mary Rogers, [illegible], sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mrs. Mary Rogers.
Q What is your age? A 34.
Q Do you know Carrie McNair? A Yes, sir.
Q Is she any relation to you? A No, sir, just a friend.
Q Do you know anything about the circumstances of her having left [illegible]? A She never did leave him, she went on account of her [illegible] health. Her son Ub was quite sick and she went back, and while she was there he got worse, and she got a telegram and it was such a shock to her she didn't come right then, and then she [illegible] letter on got a letter from her mother in law stating that she hadn't come ? can produce the letter.
Q Do you know whether she left him fine ly, parted with an expecta-

tion of returning? A No, sir, she didn't, and she has got letters to show it.

Q Did you hear Mr. McNair say anything about it? A No, sir, I didn't, I wasn't with him very much; I was well acquainted with him.

Q Were they living together to your knowledge peaceably when she left? A No, sir, but they had to live with his mother, and she wasn't able, and she went back home for a while.

Mr. Starr: Didn't she leave because he wouldn't move to Nowata with her? A That is just what Mr. Woody's daughter told her to do, she was in poor health and she couldn't stand the way they were living, she was a well raised girl, and she thought she would go home and stay a while for her health, to see if her health would be better, and she has got letters to show these things; she went off and he was willing for her to go.

Commissioner Needles: You think he was willing for her to leave? A Yes, sir.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 19th of October, 1900.

Commissioner.

Supplemental: D-624

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 19, 1900.

In the matter of the enrollment of CARRIE MCNAIR as a Cherokee citizen; being sworn and examined by Commissioner Needles, she testified as follows, in supplemental:

Q What is your name? A Carrie McNair.
Q What is your age, A 31.
E.B.
Questioned by Attorney Lawson:

Q Are you married? A Yessir, I was.
Q Is your husband living? A No sir.
Q What was your husband's name? A Lee McNair.
Q Where do you live at the Present time? A Nowata.
Q Were you living with Lee McNair as his wife at the time of his death? A Yes sir, I was.
Q At the time of his death were you in the Cherokee Nation?
A No sir.
I was at home on account of sickness; I was just visiting.
Q While you were visiting,- in what year was this? A 1895.
Q Where were you visiting in 1895? A At my home, Ft. Wayne, Indiana.
Q While you were in Ft. Wayne, Indiana, in the summer of 1895, did you receive letters from your husband? A Received letters right along, three or four a week.
Q Have you any of those letters with you? A Yes sir.
I have the first letter I received from him.
Q If so, produce it? A (Applicant produces letter)
Note: Letter introduced in evidence, marked Exhibit "A" and filed and made a part of the record.
Q Have you any interests in the Cherokee Nation, any landed interests or any stock interests, remaining unsettled, that belonged to your husband? A Yes sir.
Q Have these interests ever been settled in any way since his death? A No sir.
Q You are still retaining your lands and interests here?
A Yes sir.
Q Have you been in the Cherokee Nation since 1895? A Yes sir, I have been here several times.
Q When were you here? A I was here a year ago, I was called home on account of sickness or I should have staid.
Q What has been your home since 1895, what have you recognized as your home and been your home in fact? Nowata.
Q Cherokee Nation? A Yes sir.
Q You said, I believe, that you were called home on account of sickness, was this in 1899, called home from the Cherokee Nation?
A Yes sir, it was in 1899.
Q When did you return to the Cherokee Nation? A Last Saturday
Q State what were your grounds or reasons for staying away so long? A First place was on account of my sister 's sickness I was called home, and after that I was sick myself and was unable to come.
Q Since your marriage to Lee McNair I believe you stated that you have always recognized the Cherokee Nation as your home? A Yes sir
Q Always had interests here while he was living, and since his death? A Yes sir

E.B. Being first duly sworn states that she is a daughter of

the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete and true transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 22nd day of October 1900.

Commissioner.

D-624.

Department of the Interior
Commission to the Five Civilized Tribes/.
Chelsea, I.T. November 17, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF CARRIE L McNAIR FOR THE ENROLLMENT OF HERSELF AS A CHEROKEE CITIZEN.

Mary J. Thompson, being sworn by Commissioner T. B. Needles, was examined in behalf of the Cherokee Nation by Mr. W. W. Hastings, and testified as follows:

Q What is your name? A Mary J. Thompson.
Q What is your age? A Sixty-two.
Q Where do you live, Mrs. Thompson? A I live here at Chelsea, now.
Q How long hve you lived at Chelsea? A Ever since last November.
Q Were you married before you married Thompson? A Yes, sir.
Q You have a son by the name of R. Lee McNair. He was married to a woman in Indiana? A Yes, sir.
Q In January, 1895? A Yes, sir.
Q After they were married where did they live? A They came right straight to Coody's Bluff, where I was living and lived with me.
Q You all lived together? A Yes, sir. My son never has left me.
Q How long did she live with him there as his wife? A She lived until the last of April 1895.
Q Then did she leave him? A Yes, sir; she left him and went back.
Q Where? A To Indiana.
Q State whether or not he made any effort to get her to come back? A Oh yes. He was writing and trying to get her to come all the time, but she refused to come back.
Q When did your son die? A He died the 16th day of August, the same year.
Q State when this woman whom he married afterwards came back here. A She never came back until August 1896. She staid that winter and went back again in the spring of to Fort Wayne, Indiana, and she remained until a week or so before you were all at Wewoka, I understood, when she was back again.
Q Do you know that she had permanently left your son before his death? A I believe it. At least he had made efforts to gether back, and she refused to come.
THE COMMISSIONER: How do you know he made efforts to get her to come back, and she refused to come? A Why he often showed me letters he would write and letters he would get, is the reason I know.
Q And he lived in the house with you? A Yes, sir.
Q Do you know that your son did not consent to her going away? A He did not consent to her going away, but she went anyway. He wasn't willing for her to go. That I know.
BY MR. W. W. HASTINGS: (Cherokee representative)
Q Was she notified of her husband's death? A Yes, sir. She was notified right away by telegram, but she didn't come.
Q Did she reply to the telegram? A Yes, sir, she replied to it.
THE COMMISSIONER: Do you know that she received the telegram in time to come to the funeral? A She didn't receive it in time. It was explained, that she wrote so.
THE COMMISSIONER: Are you on good terms with this woman? A Well we were then.
Q You are not now? A No, sir.

The undersigned, being duly sworn states that he stenographic

to the Commission to the Five Civilized Tribes he correctly recorded the Supplemental proceedings in this application, had at the time above mentioned, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of November 1900.

Commissioner.

Cher
Supp'l to D 624

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 13, 1903.

In the matter of the application of CARRIE L. McNAIR, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

CARRIE L. McNAIR, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Carrie L. McNair.
Q How old are you ? A Thirty four.
Q What is your post office ? A Nowata.
Q You are a white woman are you not ? A Yes sir.
Q Claiming the right to be enrolled as a citizen by intermarriage ?
A Yes sir.
Q What is your husband's name ? A Robert Lee McNair.
Q Is he a Cherokee by blood ? A Yes sir.
Q When were you married to him ? A In 1895, the 3rd day of January.
Q He is the husband through whom you are claiming your citizenship ?
A Yes sir.
Q Had you ever been married before ? A No sir.
Q Had he ? A No sir.
Q Have you been living together ever since your marriage ?
A My husband is dead; he died in 1895.
Q You lived with him from the time you married him until he died ?
A Yes sir.
Q Have you married since his death ? A No sir.
Q Have you been residing in the Cherokee Nation ever since you married Mr. McNair ? A Yes sir; I have been back home on visits.
Q Where did you visit ? A In Indiana.
Q When did you go back to Indiana after your husband died ?
A I made two trips back.
Q How long did you stay the first trip ?
A The first trip ?
Q Yes ? A Well, I wasn't here when my husband drowned, I was back home then, I was sick when I came out here. I left a letter with the Commission.
Q What letter do you speak of ? A From my husband after I went back home.
Q You went back home soon after you married ? A Yes sir.
Q How long were you there when your husband was drowned ?
A I went back in April and he was drowned in August.
Q Then when did you return to the Cherokee Nation after that ?
A That was in 1896, my husband was buried before I knew anything of his death at all.
Q I am asking you when you came back to the Nation after your husband's death ? A I never came back for quite a while after that.
Q What year ? A I think it was '97 or '98.
Q You are not sure which ? A Not exactly
Q What part of the year did you come back ?
A It was in August.
Q Can you tell whether it was two years or three years after your husband's death ? A I think it was between two and three years anyhow
Q You say he died in 1895, if you came back in 1897 it would be two years, and if you came back in 1898, it was three years
A I think it was in 1898 that I came back I won't be positive

Q How long did you stay in the Cherokee Nation at that time ?
A I was here over a year.
Q Where were you staying ? A At Mr. McCarty's. And then I have been putting in the rest of the time with Mrs. Roberts, from March 1899, up until now. His k mother wrote me, and I wrote her and asked her if I should come back here and she said no. She said everything was settled up and I needn't come back, and there was other other parties said there was, and I came.
Q Well now have you been back to Indiana since you came to the Indian Territory after your husband's death ? A Yes sir.
Q How long did you stay in Indiana the second trip you made there ?
A I have a certificate here from the doctor.
Q Now you had been in Indiana during all of last year ?
A Pretty near all last year, from December until October.
Q From December, 1901 to October, 1902 ? A Yes sir.
Q Then you came back last October ? A Last October.
Q Up to December, 1901, where had you been staying in the Cherokee Nation ? A I was at Nowata.
Q Your husband was a citizen was he ? A Yes sir.
Q You claim citizenship in the Cherokee Nation ?
A Through my husband, yes sir.
Q How did it come that you stayed so long in Indiana after your husband's death ? A He was gone, and his mother wrote me and said--I asked her if I should come back, and she said no. I was sick all the time, I went away from here sick, and I went back home to see if I couldn't get straightened up, and he died while I was gone.
Q Were you sick from April, 1895 up to August of 1897 or 1898 ?
A Yes sir.
Q Where were you staying in Indiana ? A At my sister's.
Q Were you under a doctor's care all the time ? A All the time.
Q Where was your home here in this country ? A Coody's Bluff.
Q That's where you and your husband lived while you were living together ? A Yes sir.
Q Did your husband own any property then ? A Yes sir.
Q Did he own a house ? A Yes sir.
Q Do you own that house now ? A Why I reckon.
Q You don't know, do you live in it ? A No sir, I am stopping with Mrs. Roberts.
Q Do you collect rents from it ? A Why I have for the last four years.
Q After your husband's death, and while you were living in Indiana, did you consider the Cherokee Nation to be your home in good faith ?
A Yes sir, I always did. If I hadn't made up my mind to that effect I wouldn't have moved here.
Q You really had no interests here after his death ?
A Not from the way his mother wrote.
Q Did you still regard this country as your home ? A Yes sir.
Q Did you live here before you married your husband ?
A Yes sir, I was here several months before.
Q Was it your intention, then, to come back here and make this your home after you got better ? A Yes sir.
Q Was that your intention when you left Indiana in 1897 or 1898, when you came back here ? A Yes sir.
Q To make this your permanent home ? A Yes sir.
Q And that's your present intention ? A Yes sir, my health is so much better here, and I feel satisfied here.
Q Is Mrs. Roberts any relation to you ?
A No sir, we are just friends.
Q You and your husband lived together from January up until April, did you ? A Yes sir.
Q Got along alright ? A There never was a cross word between us. Of course there wasn't a bit of trouble and it was with his consent that I went home, he went as far as Coffeyville with me. I visited

in Nowata a few days, and he said for me to stop off at Nowata and I visited there, and he told me to leave Nowata Thursday, and he said he would meet me Thursday at Coffeyville; and he says, "Now you go to the doctor and stay until you get to feeling better". Of course his half brother has always fought against me someway or other. I don't know why, we never have had a cross word between us. If there had been any trouble it seems that the letters would have shown it.

MRS. W. E. ROBERTS, being called, and duly sworn, and examined, testified as follows:

Examined by the Commission:

Q State your name ? A Mrs. W. E. Roberts.
Q How old are you ? A Thirty seven.
Q What is your post office ? A Nowata.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q Are you acquainted with Carrie L. McNair ? A Yes sir.
Q Did you know her husband ? A Yes sir.
Q How long have you known Mrs. McNair ? A I have known her for very near five years. She has been with me four years.
Q Do you remember the time when her husband died or was drowned ?
A Yes sir.
Q When was that ? A That was in August, of 1895.
Q Where was Mrs. McNair at that time ? A She was in Indiana.
Q Do you know when she came back to the Cherokee Nation from Indiana after that ? A I am not sure, her husband was drowned the summer we moved to Nowata, and I didn't meet her until the next summer, I believe it was. I didn't know her; I knew him, but I didn't know her until she came back and stopped with Mr. McCarty's family in Nowata.
Q When was that ? You say Mr. McNair was drowned the summer you moved to Nowata ? A Yes sir.
Q He was drowned in the fall ? A In August, 1895.
Q You had moved there before that ?
A We moved there the day before, that's the reason I remember it so well.
Q How long had you been at Nowata when you first met Mrs. McNair ?
A It was about a year.
Q That would be in 1896 ? A Well, Floyd wasn't two years old. She came back in 1897 I am sure, because--when was this filing done, when we had all of us to be on the roll, when was that made, in '98 wasn't it ? She was with me then, when the Commission enrolled up there, you know there was a roll, we all had to dispose of something, I don't remember just what, but she was with me at the time, she was with me then, it must have been in 1898.
Q Had to dispose of surplus land ? A I think so She was with me in 1898.
Q You are sure of that ? A Yes sir, I know of that, because Mr. Stephens was boarding with us, it was in 1897 that she came back, she came to Mr. McCarty's. My baby is six years old
Q How old was he when she came ? A He wasn't two years old
Q What makes you think that, wasn't he walking around and talking ?
A He was two years old in October after I got acquainted with her
Q At the time Mrs. McNair came to the Nation your boy wasn't two years old, and he is now six ? A Yes sir
Q You say she stayed several months at McCarty's before she came to live with you ? A Yes sir
Q How long had she been in the Cherokee Nation, then, when she came to stay with you, several months ?
A Oh she had been there eight or nine months

Q Now has she been living with you continuously since then ?
A Yes sir; for four years right straight along, only when she would go home on a visit.
Q She wasn't with you last year ? A She was until December.
Q And she came back last October; she was gone nearly a year ?
A Yes, very nearly a year.
Q With that exception has she been living with you ?
A Yes sir.
Q And making her home there ? A Yes sir.
Q Do you know if she considers this country her home ?
A Yes sir.

Examined by J. C. Starr:

Q How long had Mrs. McNair been living with you when she applied for enrollment at Nowata ? A She had been living with me for two years; off and on for two years, but she went back home once.
Q Before that time ? A Yes sir; but that's been her home for four years, ever since she came to me. She has been just as well satisfied as she would be with her own sister, and she has told me time and again that she would continue to let that be her home.
Q How often has she been back to Indiana since she came to you ?
A Twice.
Q How long was she gone before the Commission came to Nowata on that trip ? A About as long as she was the first trip.
Q About a year ? A Yes sir.
Q How long had she been back when the Commission enrolled at Nowata ? A She hadn't been back very long.
Q About how long, in your best judgment ?
A She hadn't been back a month.
Q It was in October wasn't it, and she came back in October ?
A She had been gone about a year perhaps before that. Every time she makes the trip she is laid up.
Q Mrs. McNair's people live in Indiana ? A Yes sir.
Q She lived there before she came to the Cherokee Nation ?
A Yes sir.

CARRIE L. McNAIR, re-called, testified as follows

Examined by J. C. Starr

Q Where did you live before you came to the Cherokee Nation ?
A In Indiana.
Q Is that where your people live now ? A Yes sir. I have no parents, my father and mother are both dead. I made my home with my sister.
Q In what town in Indiana ? A Fort Wayne.
Q Do you live with your sister when you go back there ?
A Yes sir.
Q How long did you stay in the Cherokee Nation after you went back to Indiana the first time and returned, before you made your second trip back to Indiana ? A I came back in October, and I was here over a year and went back then.
Q Between the first and second trips ? A Yes sir.
Q Your husband was drowned during this first trip ?
A Yes sir.
Q When you returned from that trip how long did you stay in the Cherokee Nation ? A It was a year or more, I think.
Q How long did you stay at Mr. Doherty's ? A I was there from August until March. I went to Mrs. Roberts' then, and I went back home the following September.

Q How long did you stay in Indiana after that ?
A I think I stayed there then on until the following October, and came back again in October, that is the year after.
Q You were out about a year and a month ? A Yes sir.
Q And then did I understand that you stayed here continuously until you left the last time ? A Yes sir.
Q And you had been gone nearly a year then ? A Yes sir, I left in December and got back in October.

Examined by the Commission:

Q Now Mrs. McNair, you present here a bill of sale signed by Mary J. Thompson, and dated May 18, 1898, who is this Mary J. Thompson ?
A My mother in law, my husband's mother.
Q Now this bill of sale was transferring to you some property, was it ? A Yes sir.
Q Now at the time this bill of sale was executed where were you living ? A I was at Fort Wayne at the time. I remember that it was 1898, the 4th day of August that I came back.
Q You came back from Indiana in August after this bill of sale was executed ? A Yes sir.
Q That was your first visit to the Cherokee Nation after your husband's death ? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me March 9, 1903.

Notary Public.

"R"

Cherokee D 624

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Carrie L. McNair for enrollment as a Cherokee citizen.

Appearances:
E.B.Lawson, Nowata, I. T., attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory on the 5th day of March,1902; receipt has been acknowledged of the Commission's letter and the applicant this day to-wit: March 5,1902, appears by her attorney, E.B. Lawson, Nowata, I. T.

BY COMMISSION OF MR. LAWSON: Any statement you desire to make Mr. Lawson?
MR. LAWSON: I desire to file a brief of the applicant is all.
Q You subm t thecase in behalf of the applicant? A Yes sir.

BY COMMISSION: The attorney for the applicant files a brief, one copy with the Commission and one copy with the representative of the Cherokee Nation.

The attorney for the applicant on behalf of the applicant and the representative of the Cherokee Nation on behalf of the Nation submit the case; same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

I, M.E.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

_____

DEPARTMENT OF
COMMISSION TO THE
FILED
OCT 17 1950

Be It Known, *That on the* 2" *day of* January 1895.
a **Marriage License** *was duly issued in the words and figures following, to-wit:*

INDIANA, TO-WIT: ALLEN COUNTY.

To all who shall see these Presents, Greeting:

Know Ye, *That any person legally authorized to solemnize Matrimony is hereby licensed to join in Marriage as Husband and Wife*
Robert Lee McNair and Carrie Russell
and for so doing this shall be sufficient authority.

In Testimony Whereof, I H. M. Metzger
Clerk of the Allen Circuit Court, hereunto subscribe my name, and affix the seal of said Court, this 2"
day of January 1895.
H. M. Metzger *Clerk*

And they were married, as appears by the following Certificate

INDIANA, TO-WIT, ALLEN COUNTY:

This Certifies, that I have joined in Marriage as Husband and Wife
Robert Lee McNair and Carrie Russell
on the 3rd day of June, 1895

State of Indiana, Allen County, ss:

I, Frank Colet, Clerk of the Allen Circuit Court, do hereby certify that the above and foregoing is a true and correct transcript of the Marriage License and the return made thereon in the matter of the marriage of Robert Lee McNair and Carrie Russell as appears of record in my office.

In Witness Whereof, I hereunto subscribe my name and affix the seal of said Circuit Court at Fort Wayne, this 3rd day of March 1898.
Frank Colet Clerk

Cherokee-D-624

Coody Bluff, I.T.

May 2, 94

Dear Wife

Well Carrie .I was muched pleased to get your kind letter I was much better pleased to here you got through all right everything is all right here now we got home half past six. O Carrie how long are you going to stay it seems like you have been gone a month now so make your visit short if you can. We are catching fish now we have got two nets in. Well have all we can eat for super I wish you was here. Dear Carrie you said you would not write any more in day time dont write at all if you cant. You said you would go to bed early and doctor yourself. Now I want you to do what you said if you go to a doctor go to one that has never examined you. First tell him you come there for examination if he asked what is the matter, tell him that is what you came for is to find out and that way you can tell if he knows what he is a doing. Dont forget about the(unintelligible) ____ and give me there adress of the Prop there I can find out what I want to do. Take care of yourself. Give all the folks my best regards. Kiss little Carrie for me . Tell Lula I am mad at him for not writing to me. To go to bed early and keep out of the night air. Tell Cade to come with you(unintelligible) __ tell me all the .... my love to you ty and kiss for you(uninte.) do not write the way you did before use Lee instead of husband.

From your Wife
E. L. McNair.

I the undersigned [illegible] in the commission of the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original affidavit in evidence in the matter of the application for enrollment of Carrie L. McNair as a citizen of the Cherokee Nation.

Muskogee, Indian Territory,
May 11, 1902.

Before the Honorable Dawes Commission, at Muskogee, I. T.

In the matter of Carrie Louisa McNair, applicant for enrollment as a Citizen of the Cherokee Nation.

APPLICANTS BRIEF.

The applicant claims enrollment as an adopted Cherokee, and the proof shows that on January 3rd 1895, applicant was married to Robert E. McNair, a recognized Citizen of the Cherokee Nation, who died on the 16th day of August 1895.

It is contended by the representatives of the Cherokee Nation that the applicant has lost her rights to Citizenship by residing out of the Cherokee Nation since her marriage to the said Robert L. McNair, and the Cherokee Nation also contends that applicant and her husband were sepa rated at the time of the death of the said Robert L. McNair.

The proof shows that at the time of the death of Robert L. McNair the applicant was in Indiana where she had gone for her health, a short time before her husbands accidental death; that while on a visit to Indiana applicant received letters constantly from her husband, one of which is on file in this action and to which we refer, as said letter shows that applicant and her husband were not separated and further shows that there was no estrangement between them.

Proof also shows that applicant has allways had her property interest here in the Cherokee Nation since the death of her said husband, Robert L. McNair; that applicant has never remarried, and has lived in the Cher okee Nation a great part of the time and has allways recognised the Cher okee Nation as her home since the death of her said husband.

Applicant would call the Courts special attention to the case of John Elk, plaintiff in error Vs Charles Wilkins, which decision can be found in 112 U. S. Supreme Court reports page 643, and to the case of Samuel A. Worcester, plaintiff in error, Vs The State of Georgia, which can be found in 6 Peters 483 U. S. Reports.

Attorney for Applicant

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., May 8th, 1902.

In the matter of the application of Carrie L. McNair for enrollment as a citizen of the Cherokee Nation by intermarriage.

Cherokee D. 624.

BRIEF ON BEHALF OF THE CHEROKEE NATION.

The testimony in this case shows that the applicant was married on January 3rd, 1895, to Robert L. McNair, who was a Cherokee citizen by blood; that she left him in about three months after their marriage and went back to her old home in Indiana. And the testimony further discloses the fact that her husband made various unsuccessful attempts to get her to return to him prior to his death on the 18th day of August, 1895. The testimony of all the witnesses in this case, with the exception of the applicant, shows that she lived in the state of Indiana from 1895 until August, 1898; and that she was living there on June 28th, 1898, the date of the passage of the Curtis Bill. Reference is made to the testimony as to her residence given by Miller Teach and Mary J. Thompson, who testify positively that she lived there until August, 1898. She is very indefinite in her own testimony about her return, and the only witness she puts upon the stand in her own behalf does not aid her any in this respect.

The Cherokee Nation contends that the testimony shows that this woman clearly intended a separation from her husband, perhaps not when she first left, for she may have then intended or [illegible] a return to mislead her husband, but we think that it is a fair inference from the testimony to state that she never intended to return, and that she had finally separated from her husband when he was drowned in August, 1895, and for this reason she should not be enrolled under Section 6[illegible] of the Compiled Laws of the Cherokee Nation, 1892.

We contend further that she could not be enrolled under Section 21 of the Curtis Bill, because at the time of the passage of that Act she was not a citizen of the Cherokee Nation. Testimony was introduced from time to time to show that she was not a resident of the Indian Territory upon that date, a copy of which was furnished the applicant, and if she could have introduced any testimony to contradict this and show that she was a bona fide resident citizen on June 28th, 1898, we claim that it was her duty to have done so. As above observed there was no testimony introduced by the applicant except perhaps her own tending to show that she was a resident of the Indian Territory at that time. On the other hand it is shown that when she returned in August, 1898, it was not a permanent return; that she soon after went back to Indiana, where she resided with her parents until about a week before she made this application for enrollment to the Commission.

Under these conditions we submit that she is not entitled to be enrolled under the law.

Respectfully submitted,

[illegible]

Attorney for the Cherokee Nation.

Cherokee-D- 624

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Carrie L. McNair as a citizen by intermarriage of the Cherokee Nation

D E C I S I O N.

The record in this case shows that on October 17, 1900, Carrie L. McNair appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Nowata, Indian Territory, on October 18, 1900 and October 19, 1900, at Chelsea, Indian Territory, on November 17, 1900, and at Muskogee, Indian Territory, on March 5, 1902.

The evidence shows that the said Carrie L. McNair was lawfully married on January 3, 1895 to Robert L. McNair, a citizen by blood of the Cherokee Nation, and immediately came to the Cherokee Nation with her husband.

It further appears that the said Robert L. McNair died on August 16, 1895.

It further appears that the said Carrie L. McNair went to the state of Indiana in 1895, and since that date she has spent the greater portion of the time in said state of Indiana.

It further appears that the said Carrie L. McNair was not a resident of the Cherokee Nation or Indian Territory on June 28, 1898.

Par. 9, Sec. 21 of the Act of Congress, approved June 28, 1898(30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Carrie L. McNair as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

Commissioner to the Five Civilized Tribes.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

July 16 1902

Camp Bragg N.C.
May 2 44

Dear Wife

well Davis & was
much pleased to get your
kind letter & was much better
pleased to hear you got
through the night. I sleep
with right sure rather
sure I got home half past six
I have many are you
going to stay if dismissed
date you start home and a
many to see you make your

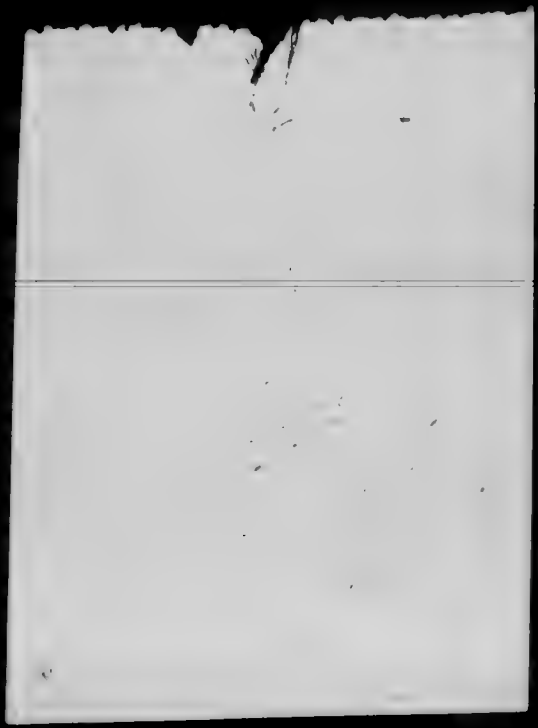
and Doctor Grinsell.
I now I want you to do
what you said I was going
to a Doctor you to and
that has never examined me
first tell him you
they for examination if he
asked what is the matter, tell
him that is what you
you is to find out and
he may can from
to know how you

Intermarried

Alice [illegible]

[illegible] was married [illegible]
[illegible] Robt [illegible]
Indian [illegible]
[illegible]
[illegible]
[

had always kept house here. She answers
Yes Sir, but does not say she ever
kept house here. There is absolutely
Nothing in her own statement to
show she has ever been a bona fide
resident of the City since her husband's
death. The statement of Mrs
Thompson that she came here
Aug 15th 95 and has since that
time been absent only
[illegible]



COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
J. R. BRECKINRIDGE

ALLISON C. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 19 02.

Mrs. Carrie L. McNair,

Nowata, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 5th day of March, 1902.

On said date you may appear before the Commission in person or by attorney and offer such evidence as you may desire touching the matters and allegations affecting your citizenship.

You are further notified that the Registrar of the Cherokee Nation will, at the same time, be afforded an opportunity to present testimony touching the right of said Registrar to enroll you, pursuant to the provisions of the act of Congress approved June 28, 1898, and all laws amendatory thereof.

Copy to E.P.Lawson,
Nowata, I.T.

Cherokee D-424
Register.

Commission to Charge.

Cherokee D 624.

Muskogee, Indian Territory, October 15, 1902.

Currie Louise McNair,

Nowata, Indian Territory.

Dear Madam:

The Act of Congress approved July 1, 1902, (Public No.241) and ratified by the citizens of the Cherokee Nation, August 12, 1902, provides that " the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two."

In accordance with said provision, you are hereby directed to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to your right to enrollment as a citizen by intermarriage of the Cherokee Nation, on September 1, 1902.

Please give this matter your immediate attention, as the evidence requested is necessary in determining your right to participate in the right of the allotment of the lands of the Cherokee Nation, and until the same is furnished, no further action will be taken looking towards your final enrollment as a citizen by intermarriage.

Respectfully,

Commissioner in Charge.

Cherokee D 624.

Muskogee, Indian Territory, October 16, 1902.

E. P. Lawson,

Attorney for Carrie Louisa McNair,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that Carrie Louisa McNair, has this day been directed to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to her right to enrollment as an intermarried citizen of the Cherokee Nation, on September 1, 1902.

Respectfully,

Commissioner in Charge.

Cherokee D 624.

Muskogee, Indian Territory, October 16, 1902.

E. B. Lawson,

Attorney for Carrie Louisa McNair,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that Carrie Louisa McNair, has this day been directed to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to her right to enrollment as an intermarried citizen of the Cherokee Nation, on September 1, 1902.

Respectfully,

Commissioner in Charge.

INDEXED



Cherokee Land Office,
Vinita, I. T.,
March 19, 1903.

Transmits copy of supplemental
testimony in case of Carrie
. McNair.

COMMISSIONERS
TAMS BIXBY
THOMAS B NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY

ALLISON L AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-624.

Vinita, Indian Territory, March 19th, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith a copy of the supplemental testimony taken February 13th, 1903, in the matter of the application of Carrie L. McNair. The original record appears to be at Muskogee.

Respectfully,

Clerk in charge.

Enc. C-101.

Cherokee No.
D: 624

Muskogee, Indian Territory, January 10, 1907.

Carrie L. McNair,

Nowata, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D ——— Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION

[redacted]

Mary Pettit	977	Millie Motton	1554
Bettie Mitchell	985	Andrew Walter	1573
John J Harrison	993	John H Holder	1610
Jasper N Bateman	1029	[illegible] M Burr	1612
Susan Ballard	1060	[illegible] L Barbee	1644
Lucy Eva Stinson	1063	[illegible] Hoskins	1663
Ellen Thornton	1089	[illegible] E Brewer	1709
Sarah E Hair	1090	[illegible] Green	1717
Norman S Drake	1092	[illegible] Lehew	1722
Susan Hogg	1094	[illegible] Lowe	1726
David L Scott	1099	[illegible] Gilmer	1727
James C Taylor	1111	[illegible] Anderson	1731
Roxie Shepard	1128	[illegible] J Mc[illegible]	1734
Robert G Elgin	1136	[illegible] D Whitehead	1745
William Hall	1137	[illegible] I Mc[illegible]	1760
[illegible]	[illegible]	[illegible]	1781
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Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2480
Mollie Hair	2487
Dora Savers	2494
William T Jones	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L Morgan	2568
Andrew A Brock	2575
[illegible]	[illegible]
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Nancy J Kinney	4225
Sydney E Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H Gibson	4327
John McFall Jr	4343
Albert W [illegible]	4360
George S [illegible]	4386
Quinn Carr	4387
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Well	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Luana Chamber[illegible]	5328
James H Thomas	5329
Melville B Baxter	5332
James R Goodall	5336
Charles Hooter	5390
James W Goddard	5417
Dora Cox	5425
Nannie G Alberty	5448
Sarah W[illegible]	5455
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[illegible]	5606
[illegible]	5607
[illegible]	5608
[illegible]	5609
[illegible]	5610
[illegible]	5611
[illegible]	5612
William A Polson	5613
Paulina P Pitcher	5614
Charley Headrick	5615
William N Stinson	5616
Lenora A Henry	5621
Ethe M Adams	5622
John H Shimp	5624
Thomas B Dickson	5625
Minnie Henry	5628
Thomas J Simpson	5629
Cap L Lane	5630
Reuben E DeLozier	5631
John Heape	5640
Perry G Brock	5645
Mary J Newcomb	5650
George W Seigel	5660
Marcia A Parks	5666
Zoda C Mills	5674
[illegible] Rogers	5675
[illegible] Payne	5676
[illegible]	5677
[illegible]	5679
[illegible] B Wood	5681
[illegible]	5682
[illegible]	5686
[illegible]	5688
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Horace H Huddlestun	5832
William R Sartain	5837
Joseph A Lawrence	5843
William H Hinton	5846
Joseph Lehr	5851
Enos M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W Young	5872
Earley F Ellis	5874
Rosa B Alberty	5877
Sarah Cannon	5879
Minnie Beck	5887
Jack H Merchant	5888
John D Merchant	5889
Sarah E Glanville	5894
Jesse Young	5906
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

James J Snider	6375
William H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William A [illegible]	6392
William O Ang[illegible]	6394
Thomas Walker[illegible]	6396
Alice C Spangler	6407
Lulu N Wil[illegible]	6413
Lillie M Adair	6424
Mark I Mathe[illegible]	6428
Ida L Wilson	6431
George E Marr[illegible]	6441
Ulysses S Reeve[illegible]	6445
Daniel A [illegible]	6447
Henry T Dun[illegible]	6450
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Jane Maher	7128
Terry A Parkinson	7146
Carol L Hank	7147
Otto L Zeigler	7149
Ruth M Norman	7155
Mary L Fleming	7158
Vera Wood	7159
Irene M Crouch	7161
Cecil M Crouch	7163
Carol L McCann	7171
Benjamin B Cooper	7176
Ann Page	7180
William J Wright	7184
Clarence H Ferris	7191
Peggy Sisler	7210
Horace A Mann	7212

Robert B Collins	7556
Nancy L Brown	7579
Mary B Walkingstick	7642
Robert T Ikelheimer	7653
Mollie Mottom	7797
Mattie Gitts	8006
Mack Alfred	8015
Ed Harman	8046
Ida McCoy	8417
Rose Lorenzo	8903
Vera Jackson	9054
Margaret L Lucas	9092
Ella M Dyer	9240
Nate Cargill	9289
Margaret Harmon	9378
Mary B Langley	9488
Ida Crouch	9495
William M Wright	9614
Charles Gibson	9636
Margaret Hanks	9642
Thomas Hanks	9643
Ethel M Sanders	9644

Joseph P Smith	9550
George E Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Jane Thomas	9562
James I Petty	9563
Laura McCrary	9566
Joel D Smith	9568
William F Cave	9572
William Bugbee	9577
James M Smith	9582
John F Nagworthy	9583
Beverly L Eaton	9587
Robert L Gentry	9590
Edw C Barker	9591
[illegible]	9593
[illegible]	9596
[illegible]	9598
[illegible]	9599
[illegible]	9600
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Wattie Shirley	10038
John I. Carter	10039
John M. Boyd	10043
William Fraser	10047
[illegible] B. [illegible]	10049
[illegible] A. [illegible]	10050
[illegible] I. [illegible]	10051
[illegible] E. [illegible]	10052
[illegible] W. [illegible]	10053
[illegible]	10054
[illegible]	[illegible]
[illegible] B. [illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nannie Martin		10210
Sarah A Fields		10214
Susie Henderson		10216
Charles H Rienhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Timberlake		10226
George A Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	105
George P Ivedale	D	108
Henry C Agert	D	139
[illegible]	D	147
[illegible]	D	149
[illegible]	D	162
[illegible]	D	180
[illegible]	D	180
[illegible]	D	184
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Gunn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben V. Evans	D	1042
Carrie H. Cobb	D	1049
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]

Herbert F Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank F Danderson	D	2705
James Gafford	D	2708
Anna L Harbin	D	2715
William R Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nadaffer	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
Dora Riley	D	2739
W[illegible] H Rose	D	2740
[illegible] C [illegible]	D	2741
[illegible]	D	2743
W[illegible] S [illegible]	D	2744
[illegible]	D	2748
[illegible]	D	2749
[illegible]		
[illegible]		
[illegible]	

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Leha C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Juhan Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Lizzie G Thompson	R	5	John Sitrell	R	642
William T Kelly	R	10	Lillie May Wilson	R	643
Asa Tidwell	R	19	Ollie A Barger	R	656
Rosetta McLaughlin	R	41	Ida Hawkins	R	671
Martha A Priddy	R	45	Lizzie Davis	R	761
Gabriel L Payne	R	61	Clara M Emmons	R	803

Cherokee D 624

Muskogee, Indian Territory, March 14, 1907.

Carrie L. McNair,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 2[illegible], 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-130
LMC

Cher R1140

Trans from Cher D641

Cher R1140

Doubtful as to husband, Constantine N. Walker,
Doubtful as to child, Henry G. Starr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 18, 1900.

In the matter of the application of Mary E. Walker for the enrollment of herself, husband and child as Cherokee citizens; being sworn and examined by Commissioner Breckinridge she testified as follows:

Q Give me your full name? A Mary E Walker.
Q How old are you? A 51
Q What is your post-office? A Tulsa Indian Territory.
Q Do you live in Cooweescoowee District? A Yes sir.
Q Who is it you want to have put on the roll? A My husband and son and myself.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your husband? A My husband is a white man.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Give me the name of your father? A Sterling Scott.
Q Is he dead A Yes sir.
Q Give me the name of your mother? A My mother's maiden name was Jane Woodard.
Q Is she dead? A Yes sir.
Q Give me the name of your husband? A Constantine N. Walker.
Q How old is he A He is nearly 40 years old.
Q Have you his license and certificate of marriage? A No sir, the clerk of the court married us but he never give us no certificate.
Q When were you married? A In 1886.
Q You were married previous to your marriage to this husband?
A Yes sir.
Q Was your former husband dead? A Yes sir
Q Was he married previous to his marriage to you? A No sir.
Q You were married only once before? A That's all.
Q Has this husband lived with you and in the Cherokee Nation ever since he married you in 1886? A Yes sir.
Q Did he get out a Cherokee license? A Yes sir.
Q Where were you married? A At Fort Gibson.
Q I suppose that is a matter of record at Tahlequah? A I sent there and it cannot be found, by the clerk that married us is still alive, R. M. Walker.
Q Has your husband got a receipt for the money he paid the clerk for the license? A No sir, he hasn't, he paid him ten dollars.
Q Give me the name of your child? A Henry G. Starr. He is my first husband's child. We and Walker have no children. His age is 26
Q He must apply for himself.
A He is not here, he is in the penitentiary.
Q How long does his term still last in the penitentiary?
A 17 years.
Q Where is he confined? A Columbus, Ohio.
Q He is living at this time? A Yes sir.
[illegible] Mary E. Starr, Illinois Dist., Native Cher.
[illegible] Henry Starr Illinois Dist, native Cherokee,
[illegible] Mary E. Walker Tahlequah,
[illegible] as Constantine N. Walker
[illegible] Henry Starr.

[illegible] Breckinridge. The applicant applies for the enrollment of herself, husband and one child, one to identified as the child of [illegible] as a native Cherokee, who has lived in the Cherokee Nation all her life and one who is listed now for enrollment as a Cherokee by blood.

She states that her husband married her in 1886, after the death of her first husband, and that he was never married before.

she claims that they were married under Cherokee license and in accordance with Cherokee law, but is unable to produce official evidence at this time; he has lived with her ever since their marriage, and is identified with her on the roll of 1896; he will be classed now as a Cherokee by intermarriage, and his application will be placed upon a doubtful card for further ~~consideration~~ evidence of his having been married to his wife in accordance with Cherokee law.

The applicant's son, Henry G. Starr, is her child by a former husband; he is in prison at Columbus, Ohio, and is unable to apply for himself. He is identified on the rolls of 1880 and 1896; he is said to be living at this time; for the consultation of the official records, if it is desired, the application for his enrollment will be placed upon a doubtful card, he being classed as a Cherokee by blood.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this 19th day of October 1900.

Commissioner.

Supl.-C.D.#641.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of CONSTANTINE N. WALKER, ET AL. , as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 15, 1902, that his application for the enrollment of himself and his stepchild, Henry G. Starr, as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902; and that he maight on said day appear before the Commission either in person or by attorney and introduce any fruther testimony affecting his applicaaion. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 6th day of March, been called and failing to respond either in person or by attorney, it is directed that the case be closed, and that the same be reported to the Commi sion for a final decision based upon the evidence now of record.

Commissioner.

C.C.J.

R
Cher D 641

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 27, 1902.

In the matter of the application of CONSTANTINE N. WALKER, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

Appearances:
Applicant appears by Wm. M. Cravens, Esq., Muskogee;
Cherokee Nation, by W. W. Hastings, Esq.

R. M. WALKER, called as a witness on behalf of applicant, being duly sworn and examined, testified as follows:

Examined by Wm. M. Cravens:

Q Mr. Walker, you are a Cherokee by blood ? A Yes sir.
Q Born and raised in the Cherokee Nation ? A Yes sir.
Q Were you ever an officer, or clerk of the Illinois District of the Cherokee Nation ? A Yes sir.
Q When ? A Along in the eighties I believe I was clerk several terms.
Q Do you know this applicant Constantine N. Walker ?
A Yes sir.
Q Is he married ? A Yes sir he married Mary Starr, widow of Tom Starr. I was clerk of the court at the time.
Q Clerk of what court ?
A Clerk of the District and Circuit Court for the Illinois District.
Q You say he married Mrs. Mary E. Starr ? A Yes sir.
Q What was her blood ? A She is a Cherokee.
Q Who married them ? A I performed the ceremony.
Q Was it under Cherokee law ? A Yes sir.
Q The license was issued by whom ? A I issued the license.
Q As clerk you issued the license ? A Yes sir.
Q Having issued the license you married them under Cherokee law ?
A Yes sir.
Q When was that ? A In the eighties, and I think possibly in 1890, somewhere along there. I suppose his license is in the Clerk's office now among the papers. He gave in his application in accordance with the law, and I married them.
Q In accordance with Cherokee law ? A Yes sir.

[illegible], on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible]

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., January 31st., 1903.

IN THE MATTER OF THE APPLICATION OF CONSTANTINE N. WALKER FOR THE ENROLLMENT OF HIMSELF AS A CITIZEN OF THE CHEROKEE NATION BY INTERMARRIAGE.

MOTION TO RE-OPEN CASE.

Comes now the Cherokee Nation by its representative, and respectfully represents to the Commission that the Cherokee Nation has newly discovered testimony, which came to the knowledge of the representative of the Cherokee Nation since this case was submitted to the Commission for a final decision based on the evidence that is now of record, and that said newly discovered testimony will show that on or about the 27th. day of April, 1902, the applicant, Constantine N. Walker, wilfully deserted and abandoned his Cherokee wife, Mary E. Walker; that he left her home, where she was living at that time, and where she has continued to reside, and where she is now residing, and has never been back to live with her since said time as her husband; that he went to the Chickasaw Nation and has since been engaged in the business of horse racing; that he has never contributed anything to his said wife's support since said time.

The Cherokee Nation expects to prove that this applicant is not entitled to be enrolled under Section 667, Compiled Laws of the Cherokee Nation:

"Every person who shall lawfully marry under the provisions "of this Act, and afterwards abandon his wife, shall thereby for- "feit every right and privilege of citizenship in this Nation".

In support of this motion the Cherokee Nation expects to prove by Mittie Gibson, A. E. Beggs, Mary E. Walker and others, the facts has hereinabove set forth, and there is attached to the original motion three affidavits in support of same.

Therefore, the Cherokee Nation moves that this case be re-opened and set down for further hearing at a convenient date at Vinita, Indian Territory, in order that the Cherokee Nation be afforded an opportunity to disprove the applicant's right to be enrolled as a citizen of the Cherokee Nation. This motion is not made for the purposes of delay, but in order that justice might be done.

Respectfully submitted,

- Attorney for the Cherokee Nation.

Cher
Supp'l to D 641

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 26, 1903.

In the matter of the application of CONSTANTINE N. WALKER, for the enrollment of himself as a citizen by intermarriage, and his step-son HENRY G. STARR, as a citizen by blood, of the Cherokee Nation:

The Commission: The Cherokee Nation makes proof of service of notice upon the applicant Constantine N. Walker, received by him on February 23, 1903, as evidenced by the return registry receipt, that testimony would be introduced in behalf of the Cherokee Nation, at Vinita, Indian Territory, on February 26, 1903, at eight o'clock a m.

Now, on this 26th day of February, 1903, at eleven o'clock a m, applicant is called three times and fails to appear either in person or by attorney.

On motion, the Cherokee Nation is permitted to introduce testimony as follows:

MARY E. WALKER, being first duly sworn, and examined, testified as follows:

Examined by J. C. Starr:

Q State your name ? A Mary E. Walker.
Q What is your age ? A Fifty three.
Q What is your post office ? A Tulsa.
Q Are you acquainted with Constantine N. Walker, the applicant ?
A Yes sir.
Q Are you his wife ? A Yes sir.
Q When were you married to him ? A We was married in 1886, November 5th.
Q Are you living with him as his wife at this time ?
A No sir.
Q When did you separate ? A The 27th day of last April.
Q Where were you living when you separated ? A At Tulsa.
Q Were you living in a home of your own ?
A No sir, living in a rented house, keeping hotel.
Q Did you leave him or did he leave you ? A He left me.
Q Where did he go ? A He went to Claremore, Chelsea, and around horse racing.
Q Do you know where he is now ? A I don't know only what I heard from others; I heard from others that he is in the Chickasaw Nation.
Q Mrs. Walker, what were the causes of this separation ?
A Why he wanted to run the house, and he didn't know anything about it, and I wasn't willing for him to run the house, because he knew nothing about it, and we couldn't do anything as long as he undertook to run it. I was willing for him to do the outside work but I wasn't willing for him to run the house. He told me he would leave me if he couldn't run the house and do business, and I told him alright, if he wasn't willing that I should do my own business, he could leave, and he left.
Q Did you know at the time he was leaving that you were separating ?
A Yes sir.
Q You were willing for him to run his affairs on the outside of the house ? A Yes sir, he has gone off horse racing for months at a time for years before, and would come home broke, and sit around a while until he could get some money, and then he would go off again.

Q Has he contributed anything to your support since the separation ?
A Not a cent.

Examined by the Commission:

Q When did you say this separation took place ?
A The 27th of last April.
Q Have you been divorced ? A No sir.
Q Is there no suit pending ? A No sir, I intend to get a divorce, but I haven't applied yet.
Q You don't know where he has been living since that time ?
A At no particular place, just around the country running horses.
Q Was that the only trouble between you ?
A That was the only particular trouble.
Q He wanted to have his own way ? A Yes sir; I was willing for him to have his own way in matters outside the house, but I was wanting to run the house.
Q He said he was going to go ? A Yes sir. He said if he couldn't run the place he would leave it; and I wouldn't beg any man to live with me.
Q Have you heard from him since he went away ?
A No sir, not direct; I heard from him through others, he writes to others and they tell me.
Q You never correspond with him ? A No sir.
Q You never gave him any cause to leave you did you ?
A No sir, if I did I don't know what it was.

MITTIE GIBSON, being first duly sworn, and examined, testified as follows:

Examined by J. C. Starr:

Q What is your name ? A Mittie Gibson.
Q What is your age ? A Eighteen.
Q What is your post office ? A Tulsa
Q How long have you lived at Tulsa ? A Seven years.
Q Were you living in Tulsa when Constantine Walker and his wife separated ? A Yes sir.
Q How far were you living from Mrs. Walker at the time of this separation ? A Just about a block I guess, about a half a block
Q Have you worked for Mrs. Walker before that time and since ?
A Yes sir.
Q Were you working for Mrs. Walker at the time ? A Yes sir.
Q Was it the leaving ? A Mr. Walker.
Q Where did he go ? A He went to Chelsea and Nowata.
Q What business was he engaged in when he left there ?
A Horse racing.
Q Has he ever been back there since ?
A He has been back there but he has never been back there to the house, he has been in town, but he has never been to the house
Q Do you know where Mr. Walker is now ? A No sir.
Q Did Mrs. Walker continue to reside at the place where she was living at that time, since the separation ? A Yes sir.
Q She lives there yet ? A Yes sir.
Q And has continuously since Mr. Walker left ? A Yes sir.

Examined by the Commission:

Q How long did you work for Mrs. Walker ? A I worked for her practically seven years.
Q Before this separation ? A About two years off and on before that.

Q Did you ever see that there was any trouble between Mrs. Walker and her husband ? A No sir.
Q Was Mr. Walker away from home a good deal ?
A Yes sir he was gone a good deal.
Q How much of the time would he be gone ?
A All the time pretty near except at meal time.
Q Would he be gone away a week or two at a time that he wouldn't be at home at all ? A Yes sir.
Q Do you remember the time he left home ? A I don't remember it.
Q You remember the occasion ? A Yes sir.
Q How long did you continue to work there after that ?
A I worked there pretty near a year after that.
Q Did you ever see Mr. Walker after that ? A No sir.
Q Did you hear any conversation between Mrs. Walker and her husband the day he left ? A No sir.
Q How did you know he was gone away ? A I didn't know he was going to saty, I knowed he was going to leave.
Q But you never saw him back at that place since ?
A No sir.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this April 3, 1903.

Notary Public.

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 30th, 1903.

In the matter of the application of Constantine N. Walker for the enrollment of himself as a citizen by intermarriage and his step son, Henry G. Starr, as a citizen by blood of the Cherokee Nation.	Supplemental to Cherokee D-641.

Henry G. Starr, being duly sworn, testified as follows:

Examination by the Commission.

Q. State your name? A. Henry G. Starr.
Q. How old are you? A. 29.
Q. What is your post office address? A. Tulsa, Indian Territory.
Q. Are you a Cherokee by blood? A. Yes, sir.
Q. You are the same Henry G. Starr whose name appears on the roll of 1880 in Illinois district? A. Yes, sir.
Q. How long have you resided in the Cherokee Nation? A. I have resided there all my life except the last 9 years and a half. I was in Fort Smith, Arkansas, and Columbus, Ohio.
Q. You resided in the Cherokee Nation until you went to Fort Smith? A. Yes, sir. Four years there and five years in Columbus, Ohio.
Q. You were then in prison? A. Yes, sir.
Q. With the exception of the time you were in prison you have been a resident of the Cherokee Nation all your life? A. Yes, sir.

[redacted] Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof?

Subscribed and sworn to before me this [redacted] day of April, 1903.

Notary Public.

Cherokee D #641

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Henry G. Starr as a citizen by blood of the Cherokee Nation:

DECISION

The record in this case shows that on October 19, 1900, Mary E. Walker appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself and son, Henry G. Starr, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Constantine N. Walker, as a citizen by intermarriage of the Cherokee Nation, but the status of persons claiming right to enrollment as citizens by intermarriage of the Cherokee Nation not being fixed at this time, the said Constantine N. Walker is not embraced in this decision. The said Mary E. Walker is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, June 27, 1902, and at Vinita, Indian Territory, January 30, 1903.

The evidence herein shows that Henry G. Starr is identified on the [illegible] authenticated roll of the Cherokee Nation and the 1896 census roll of said nation as a native Cherokee.

The evidence further shows that the said Henry G. Starr has continuously resided in the Cherokee Nation since birth, with the exception of personal absence during which time he was in prison.

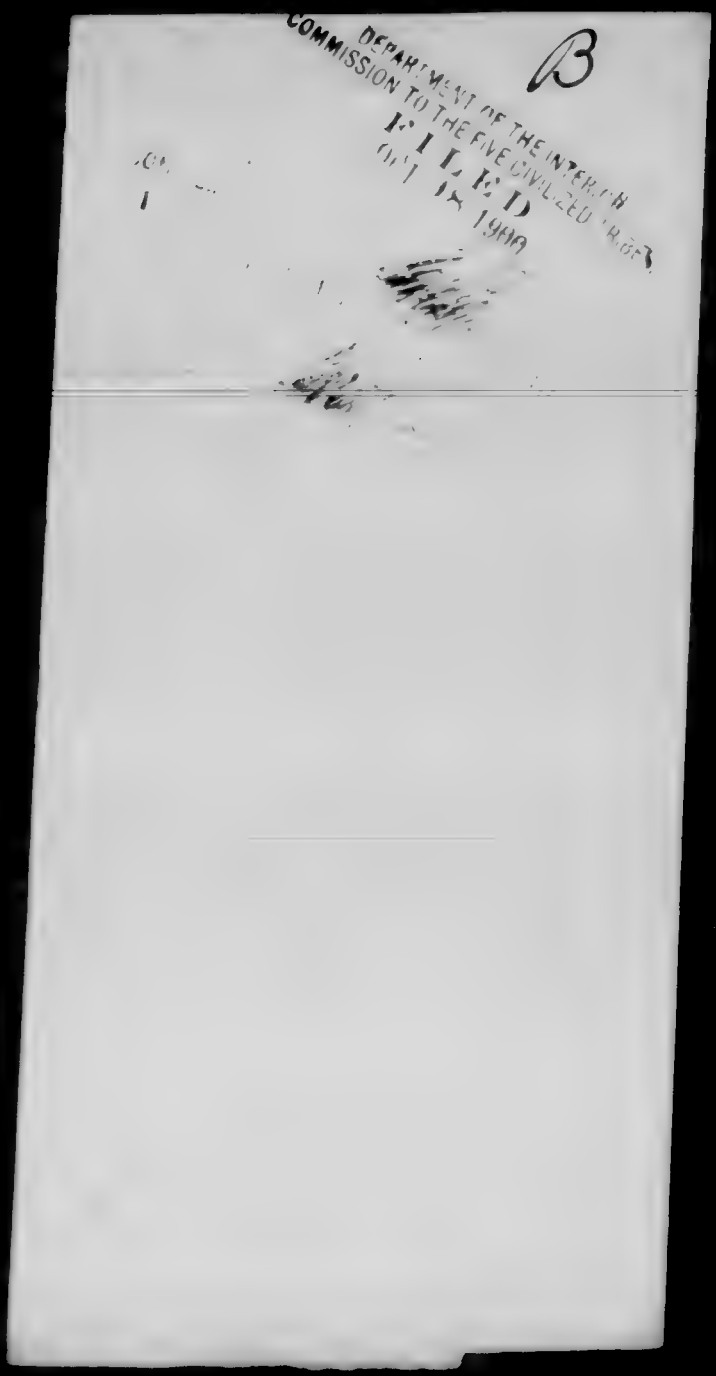
It is, therefore, the opinion of this Commission that Henry G. Starr should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 10, 1896 (29 Stats., 495), and it is so ordered.

[signature]

[signature]

[signature]

Muskogee, Indian Territory,
SEP 1 [illegible]


B
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 15 1906

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 18 1900 1900.

Name Constantine N. Walker, Tulsa I.T.

District COOWEESCOOWEE. Year 1896 Page 330 No. 1089

Citizen by blood No Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age
Dist	Year	Page	No.	Age

State of Ohio,

Franklin Co. ss.

Personally appeared before me, a Notary Public within and for the County and State above named, William N. Darby, Warden of the Ohio Penitentiary, who declares that Henry Starr is an inmate of the Ohio Penitentiary, serving a sentence of thriteen years and eight days, having been received January 26, 1898 from the District Court of the United States for the Western District of Arkansas.

Warden Ohio Penitentiary

Sworn to and subscribed in my presence this 28th day of November A. . 1906.

Notary Public.

F.1641

EXECUTIVE DEPARTMENT

CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

I, J.T. Parks , Executive Secretary of the Cherokee Nation, do hereby certify that the Marriage Records of Illinois District are on file in this office and that I am custodian of the same,; that I have made careful examination of said records and I am unable to find the record of a marriage between Constantine N. Walker and Mary E. Scott recorded therein.

This 6th. day of June 1902.

J. T. Parks

Executive Secretary.

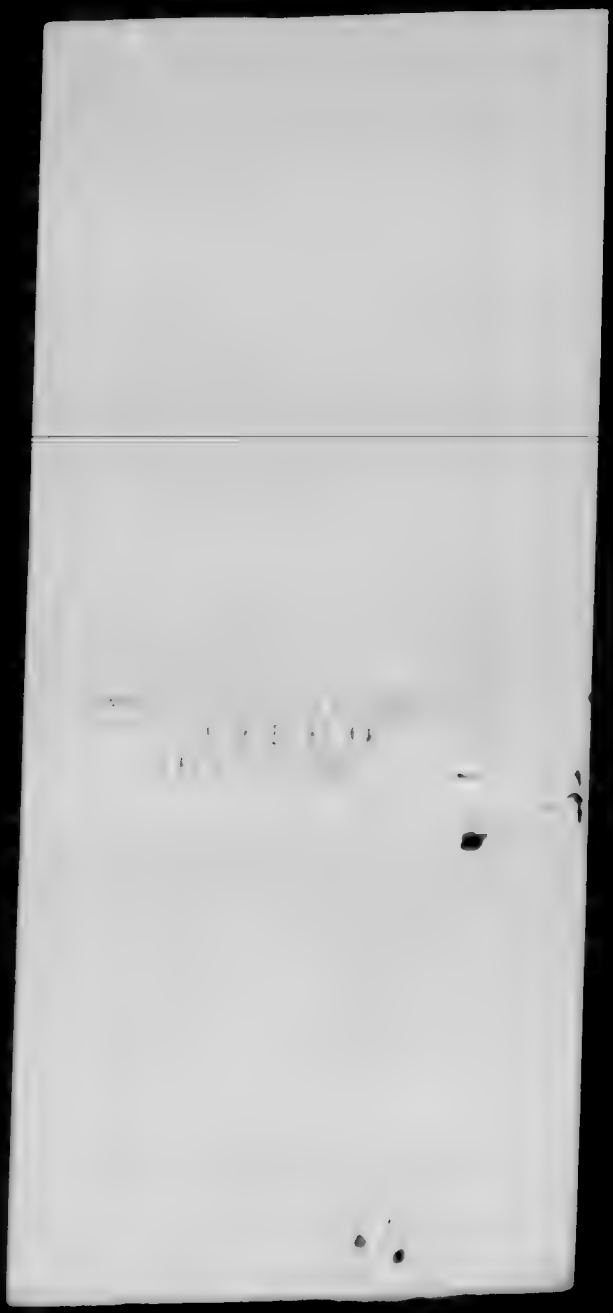
On this the 18th day of December 1902 Personally appeared before me Robert E Lynch a Notary Public- Miss Mittie Thom being duly sworn and of lawful age. on oath makes following statement to wit:

I am personally acquainted with C N Walker and know that he left Mrs. Mary E Walker his wife last Spring and has never lived with her since

W. T. Miller (Seal)

Subscribed and sworn to before me this the 18 day of Dec 1902

Robert E Lynch Notary Public



COMMISSIONERS:
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

AT MUSKOGEE, IN THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

Mrs. Mary E. Walker,

Tulsa, Indian Territory,

Madam:-

You are hereby notified that the application of Constantine N. Walker and Henry G. Starr,

for enrollment as citizen s of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the sixth day of march, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with marriage certificate of yourself and Constantine N. Walker.

Cherokee D-641
Register.

Commissioner in Charge.

Cherokee D-641

Muskogee, Indian Territory, November 19, 1902.

William M. Cravens,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of November 16, enclosing a letter from C. M. Walker relative to his failure to appear before the Commission prior to October 31, 1902, and give testimony in the matter of his application for enrollment as a citizen of the Cherokee Nation. He asks what he should do now.

In reply, you are advised that this person should appear before the Commission at its offices at Muskogee, Indian Territory, at the earliest possible date, when testimony as called for in the Commission's recent notice to him will be taken.

Respectfully,

Commissioner in Charge.

Cherokee D-641.

Vinita, Indian Territory, January 21, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I respectfully request to be advised if there is on file in the office at Muskogee, with the application of Constantine N. Walker, et al., for enrollment as citizens of the Cherokee Nation, Cherokee D-641, a motion made on behalf of the attorney for the Cherokee Nation, to reopen this case.

The original jacket in this case is in this office, but the original record in the case is in the office at Muskogee attached to a decision heretofore prepared as to the rights of these applicants to enrollment.

Respectfully,

Clerk in Charge.

RP

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

KEEP IN FILE WITH THE FULL MIN

Cherokee D-641.

Vinita, Indian Territory, January 26, 1903.

Constantine N. Walker,

Tulsa, Indian Territory.

Dear Sir:-

You are hereby notified that before your application for enrollment as a citizen of the Cherokee Nation will be complete, it will be necessary that you introduce further testimony showing your right to enrollment on September 1, 1902, as a citizen by intermarriage of the Cherokee Nation. You should also introduce testimony as to the residence of your step-son, Henry Starr, prior to the date when he was sentenced to the penitentiary.

This testimony should be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 18, 1903, and when you appear for the purpose of giving this testimony, you are requested to present this letter.

Respectfully,

Acting Chairman.

EP

Cherokee D-641

Vinita, Indian Territory, February 3, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is transmitted herewith motion made by the attorney for the Cherokee Nation to reopen, for the purpose of taking additional testimony, the application of Constantine N. Walker for enrollment as a citizen by intermarriage of the Cherokee Nation.

The original jacket and records in this case are also transmitted herewith.

Henry G. Starr, who is also included in this application, has recently appeared in person before the Commission and given additional testimony as to his residence. This testimony will be forwarded to the general office as soon as it is transcribed.

Respectfully,

Encl-C-61

333

Clerk in Charge.

Cherokee D-641

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that your motion to reopen, for the purpose of taking further testimony, the application of Constantine B. Walker, et al., Cherokee D-641, has been granted by this Commission.

Any testimony which you may have tending to disprove the right of this applicant for enrollment as a citizen of the Cherokee Nation can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 28, 1903.

You will be required to give the applicant in this case due notice of the time and place at which this testimony will be introduced.

Respectfully,

Acting Chairman.

JMF

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

In the matter of the Application of **Constantine H. Walker**

for Enrollment as Citizens of the Cherokee Nation.

No. **C. D. 641.**

NOTICE TO APPLICANTS.

Notice is hereby given to the applicants in the above named case that the Cherokee Nation will present, before the United States Commission to the Five Civilized Tribes, testimony on behalf of the Cherokee Nation tending to disprove the rights of the applicants in this case to be enrolled as citizens of the Cherokee Nation at the office of the United States Commission to the Five Civilized Tribes

Cherokee Enrollment Division, in the Town of **Vinita, I. T.**

on **Feb. 26th** at the hour of 9 o'clock A. M. or from day to day thereafter until the same may be required by said Commission during the session hereof said Commission for the taking of testimony in the matter of the application for enrollment as citizens of the Cherokee Nation.

Dated **Feb 12th**

Attorney for the Cherokee Nation

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of **Constantine M. Walker**
for enrollment as citizens of the Cherokee Nation.

No. D. 641

UNITED STATES OF AMERICA, } ss
INDIAN TERRITORY,
NORTHERN DISTRICT.

AFFIDAVIT TO SHOW SERVICE.

Personally appeared before me the undersigned a Notary Public within and for the Northern District of the Indian Territory [redacted] who being by me first duly sworn deposes and says that his age is [redacted] years and that his postoffice is Vinita Indian Territory [illegible] 13th day of February 3

Vinita I. T.

[illegible] W. M. Cravens, Attorney of Record of applicant

Muskogee I. T.

[illegible]

24th day of February 3

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

In the matter of the Application of **Constantine N. Walker**

No **Cherokee D. 641.**

NOTICE TO APPLICANTS.

Vinita, I. T.

February 26th

Feb 21st

W. W. Hastings

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of [redacted]
for enrollment as a citizen of the Cherokee Nation.

Cherokee D 641.
No.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

AFFIDAVIT TO SHOW SERVICE.

This day personally appeared before me the undersigned a Notary Public within and for the Northern District of the Indian Territory, Burt Van Lowen, who being ~~by me first duly~~ sworn on oath states, that his age is ~~thirty-two~~ twenty-four years and that his postoffice is Vinita, Indian Territory, and that on the 21st day of February 190 3 he deposited in the United States postoffice at Vinita I.T. an envelope containing a true copy of the instrument hereto attached ~~and he hereto attaches the receipt of the postmaster at said postoffice showing that he received~~ said package to be duly registered and mailed to Constantine K. Walker whose postoffice is Tulsa Indian Territory, and attached to this affidavit is the registry return receipt duly signed by the applicant showing that said envelope containing a true copy of the instrument hereto attached was received by the said applicant

Burt Van Lowen

Subscribed and sworn to before me this 26th day of February 190 3

Notary Public

Cherokee D-641

Muskogee, Indian Territory, April 16, 1903.

Constantine N. Walker,

Chelsea, Indian Territory.

Dear Madam:

As per your request of some days ago, there is enclosed you herewith a copy of the testimony given February 26, 1903, by Mary E. Walker in the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Chairman.

Encl-8-89

JRS

Cherokee D-641

Tahlequah, Indian Territory, April 19, 1903.

[illegible] E. Walker,

[illegible], Indian Territory.

Dear Sir:

As per your request of some days ago, there is enclosed herewith a copy of the testimony of Mary E. Walker, taken by [illegible] on February 6, 1901, in the matter of your application for [illegible] as a citizen of the Cherokee Nation.

Very truly yours,

Chairman.

En:1-1-119

JRC

Cherokee D-641.

Tahlequah, Indian Territory, May 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is herewith transmitted for decision, the record, which is now deemed complete, in the matter of the application of Constantine N. Walker et al., for enrollment as citizens of the Cherokee Nation, Cherokee D-641.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

Enc. R-26.

Dup

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE ENROLLMENT OFFICE.

Tahlequah, I. T. I. T., MAY 25 1903 A. D. 190

To the Clerk in charge of the Cherokee Land Office:

This is to certify that the names of the following persons:

Card Number.	NAME.	Relationship to Person First Named.	Age.
D-641	Henry G. Starr		28

[illegible]

COPY.

Cherokee D-641

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application for the enrollment of Henry C. Starr as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. D-28

Chairman.

Cherokee D-641.

Muskogee, Indian Territory, October 12, 1903.

Mary E. Walker,

Tulsa, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your son, Henry G. Starr, as a citizen by blood of the Cherokee Nation.

Respectfully,

Encl. D-20
Register.

Chairman.

REFER IN REPLY TO THE FOLLOWING

Cherokee No.
E.641

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

Constantine N. Walker,

Tulsa, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Inel. Decn.

COPY.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION.

[illegible] Proof prior to October 31, 1902 [illegible] for the enrollment of the Five Civilized Tribes for the enrollment as intermarried [illegible] Cherokee Nation of the following named [illegible] enrollment [illegible] proceedings if said Cherokee Nation [illegible] Cherokee Intermarried cards corresponding to the numbers following their respective names, viz:

[illegible] Watson	1
Benjamin W. [illegible]	2
Lena Stanley	3
Sarah E. Mc[illegible]	4
Jennie Hemingway	5
Martha Hemingway	6
William W. [illegible]	7
[illegible] Ward	8
Wesley A. [illegible]	9
Alma M. Ward	10
[illegible] C. [illegible]	11
Daniel D. Thomas	12
William H. Wilson	13
William H. [illegible]	14
Virginia V. Wilson	15
[illegible] [illegible]	16
Flora M. [illegible]	17
[illegible] Dalton	18
Ralph Wilson	19
Mary A. Wilson	20
[illegible] D. Thornton	21
[illegible] Hartman	294
[illegible] Wallace	295
[illegible] Wilson Scott	296
[illegible] Thomas	297
[illegible] A. Shackleford	298
Nannie C. Martin	299
William [illegible]	300
William L. [illegible]	301
[illegible] F. Miller	302
Jackson F. Miller	303
[illegible] A. Watson	304
[illegible] Mooney	305
Lucinda A. Parker	306
[illegible] C. Stafford	307
[illegible]	308
[illegible]	309
[illegible] M. [illegible]	310
[illegible] Mooney	311
[illegible]	312
[illegible] J. Gardner	313
William H. [illegible]	314

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Roxie Shepard	1128
Robert G Elgin	1136
William Hall	1137
Mary Ella Lattemore	1141
[illegible]	1149
[illegible]	1177
[illegible]	1[illegible]
[illegible]	1[illegible]
[illegible]	1[illegible]

Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Savers	2474
William T Jones	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L Morgan	2568
Andrew A Brown	2575
[illegible]	2623
James L Mitchell	2644
Martha E McNa[illegible]	2650
Mellard P Eggers[illegible]	2668
[illegible]	2686
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nancy J Kinney	4225
Sydney E Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H Gibson	4327
John McFall Jr	4343
Albert W Fitzsimmons	4360
George S Ford	4386
Quinn Carr	4387
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Roxie J Ketchum	4623
Lizzie Love	4626
Robert K Wann	4632
Frederick Metzner	4633
John C Bratcher	4634
Pigrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Frances	4650
Clemon C Peek	4652
Mont C Frazier	4653
Frank J Mayberry	4656
Charles W Moore	4660
Jefferson D Edmondson	4661
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Nora B. Burgess	5236
John E Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R Goodall	5356
Charles Horton	5390
James W Goddard	5417
Dora Cox	5425
Nannie G Albery	5438
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Horace H. Huddlestun	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Enin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah F. Glenn	5894
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James J Snider	6375
William H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William A Fisk	6392
William O Ames	6394
Thomas Wilkerson	6396
Alice C Springston	6407
Fanny N Watt	6413
Lillie M Adair	6424
Mark F Matheson	6428
Ida L Wilson	6431
George F Marrs	6441
Ulysses S Reeves	6443
Daniel A Smith	6447
Henry J [illegible]	6450
[illegible]	6452
[illegible]	6455
[illegible]	[illegible]
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James Maher	7128
Terry A Parkerson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary F Foreman	7158
Alma West	7159
James M Conaally	7161
Francis M Crowell	7163
Fannie E McClure	7171
Benjamin B Graham	7176
Ada Pearess	7180
William L Wheeler	7184
Frances B Perry	7191
Philip Shultz	7210
Hester A Miller	7212
[illegible]	7213
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Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hostuck	9599
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James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Wade Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Foster	10047
Daries B. Troth	10049
Harry V. Kelso	10050
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Nannie Martin		10210
Sarah A Fields		10214
Susie Henderson		10216
Charles H Rienhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Timberlake		10226
George A Brown		10228
Druella Lowrey		10232
Almira Mouse	D	9
~~Lenora Prather~~	D	16
Andrew M Cooter	D	17
Martin L Stokes	D	28
Peter Walters	D	44
[illegible] M Reeves	D	58
Sarah Barnes	D	103
George T Keeis	D	108
Henry C Agee	D	140
[illegible]	D	147
Henry Hines	D	149
[illegible]	D	[illegible]
Martin [illegible]	D	[illegible]
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[illegible]	D	[illegible]
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Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G Reneckar	D	966
Eliza Wofford	D	967
Jasper L Newton	D	971
John N Gunn	D	974
Hannah Parson	D	989
Nellie C Helterbrand	D	1003
Thomas J Welch Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M Jones	D	1022
Reuben A Estes	D	1032
Carrie H [illegible]	D	[illegible]
Lem M [illegible]	D	[illegible]
Sarah J [illegible]	D	[illegible]
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Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nuhffer	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
Irene Riley	D	2739
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Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
~~Mary E. Thornton~~	~~D~~	~~3183~~	~~Dora Crane~~	~~R~~	~~628~~
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G Thompson	R	5	John Sitrell	R	642
William T Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Olhe A Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A Perdue	R	45	Lizzie Davis	R	761
Gabriel L Payne	R	61	Clara M Emmons	R	803

The Records Further Show That said persons posses no right to enrollment as citizens of the Cherokee Nation other than by intermarriage and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

It Is Therefore Ordered and Adjudged That in accordance with the mandate of the Supreme Court of the United States dated November 5 1906 in the cases of Dame, Red Bird et al vs the United States Nos 125, 126, 127 and 128, said applicants are not entitled under the provisions of Section twenty one of the Act of Congress approved June 28 1906 (34 Stat 539) to enrollment as citizens by intermarriage of the Cheroke Nation [illegible] and that [illegible] be accordingly denied.

[illegible]

Commissioner

[illegible]

[illegible]

47-2

REFER IN REPLY TO THE FOLLOWING:

Cherokee D641

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Constantine N. Walker,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

Commissioner.

PFI

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

TWC

Cher R1141

Trans from cher D648

Cher R1141

...the Interior, ...
...tizen tribes,
...ma, I. T. October, 18th 1896.

...ter of the application of Joseph Davis for the enrollment of himself, wife and the children as Cherokee citizens. He being ... examination testified as follows:

...your name? A. Joseph Davis.
...age? A. 29.
...your post office address? A. Talala.
...district do you live in? A. ... .
...are you a recognized citizen of the Cherokee Nation? A. Yes sir.
By blood? A. No by intermarriage.
...to your wife? A. ..., wife of 3 children.
...is the date of your marriage? A. ... .
...you marry her? A. 1893.
...a certificate of marriage? A. Yes sir.
...duly authenticated? A. Yes sir. Is the certificate ... to one Minnie Davis ... Nation on the 11th day of December, 1893".
...name? A. David Davis.
...A. ... 22.
...name? A. Lizzie.
...? A. Yes sir.
...names of your children? A. Samuel D. 13; Leo J. ... 5; Leo J. ... 3.
...how old ... 28.
...
...
...14 ... Leo J. ...

...is married to the female to Minnie ... in 1893, ... is found on the census roll ... children by this marriage. ... Davis and ... one ... roll of same. He also ... where they did not ... will of 1896 ... been born since that ... birth of this child, he being ... Joseph ... intermarried ... his wife Minnie ... children, ... blood, will be ... by ... will be ... the date of the ... Cherokee ...

DOUBTFUL. 62 8

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. October, 18th 1900.

In the matter of the application of Joseph Davis for the enrollment of himself, wife and three children as Cherokee citizens. He being sworn before the Commission testified as follows:

Q What is your name? A Joseph H. Davis.
Q What is your age? A 29.
Q What is your postoffice address? A Talala.
Q What district do you live in? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No by intermarriage.
Q For whom do you apply? A Myself, wife and 3 children.
Q What is the name of your wife? A Nannie.
Q When did you marry her? A 1893.
Q Have you a certificate of marriage? A Yes sir.
Applicant presents duly authenticated marriage license and certificate of marriage certifying that he was married to one Nannie Davis a citizen of the Cherokee Nation on the 15th day of November, 1893.
Q What was her father's name? A David Davis.
Q Is he alive? A No sir.
Q What was her mothers name? A Lizzie.
Q Is she living? A Yes sir.
Q What are the names of your children? A Sanford L. age 5; Leo J. age 4 and Lorena E. age 3.
Q How old is Nancy now? A 28.

1896 roll page 147, No 1441, Nannie Davis, Coowescoowee
1896 147 1444 Sanford L. Davis.
1896 147 1447 Leo J. Davis.

Applicant presents satisfactory proof as to his marriage to Nannie Davis in 1893, and the name of his wife is found on the Cherokee roll of 1896. He avers that he has three children by this marriage. Sanford L. Davis and Leo J. Davis whose names appear on the Cherokee roll of 1896. He also avers that he has one child Lorena E. Davis whose name does not appear on the Cherokee roll of 1896, she having been born since that time, and he presents the proof of the birth of this child. He being an intermarried white and the name of his wife Nannie Davis not being found on the authenticated roll of 1896, and her citizenship having in no manner satisfactorily proven, the final judgment as to the application of Joseph H. Davis as a Cherokee by intermarriage and of his wife Nannie Davis and the children Sanford L. Davis, Leo J. Davis and Lorena E. Davis as Cherokees by blood, will be suspended and their names will be passed and a special card for satisfactory proof must also be presented as to the birth of the youngest child Lorena E. Davis.

[illegible] Cherokee being duly sworn states that [illegible] to the foregoing in the above entitled cause is correct in that all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of the stenographic notes in said proceedings.

[illegible] Chas. Van Price.

Subscribed and sworn to before me this the 18th of October, 1900.

[illegible] T. B. Needles
Commissioner.

I C.R.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T. October 19th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF JOE DAVIS FOR ENROLLMENT OF HIMSELF, HIS WIFE AND CHILD----D CARD 848.

Nannie DAVIS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Nannie Davis. Nannie Davis.

Q Are you the Nannie Davis who made application for enrollment as a citizen of the Choctaw Nation? A Yes, sir; my name was Nannie Davis before I was married. I was born in Texas.

Q What is your husband's name? A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A No, sir. I [illegible] settlement roll. I [illegible] etc.

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

R

C. D-648

Department of the Interir,
Commission to the Five Civilized Tribes,
Muskogee, I. T.,March 15,1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of Joseph Davis for the enrollment of himself as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 27th,1902, that his application for enrollment as a citizen of the Cherokee Nationwould be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 15th day of March,1902, and that on said dateshe would be permitted to appear in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application.

On this the 15th day of March,1902, applicant having been called, and failing to respond, either in person or by attorney, this case is deemed completed and same will be reported to the Commission for final decision based upon the evidence now of record.

I,W.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Chero. D-648.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of Joseph H. Davis for the enrollment of himself and others as citizens of the Cherokee Nation.

The applicant this day appears in response to a letter under date of June 3, 1902, from the Commission requesting him to appear and introduce further evidence relative to the residence of himself, wife and children in the Cherokee Nation. Applicant appears in person; Cherokee Nation by W. W. Hastings.

Joseph H. Davis, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Joseph H. Davis.
Q How old are you? A I am thirty years old.
Q What is your postoffice address? A Ramona, Indian Territory.
Q Where were you born? A I was born in Hot Springs, Arkansas.
Q Do you claim citizenship by blood or by adoption? A By adoption.
Q What is the name of your wife? A Her name was Davis before she and I were married.
Q What is her given name? A Nannie.
Q Where was she born? A In Texanna, Cherokee Nation.
Q When were you married to her? A In '93, November.
Q How long did you know her prior to your marriage? A A couple of years.
Q Where was she living during that time prior to your marriage? A She lived at Webbers Falls about a year before we were married.
Q Where have you and your wife and children been making your home since your marriage in '93? A On Big Caney, Cherokee Nation.
Q Have you been outside of the Cherokee Nation for the purpose of making your home since 1893? A No sir.
Q Has your wife lived with you all that time? A Yes sir.
Q Were your children all born in the Cherokee Nation? A Yes sir.
Q By W. W. Hastings: Have you ever lived outside of the Cherokee Nation at all since '93? A Yes sir, a short time.
Q How long? A About three months I guess.
Q Where? A At Tulsa, a part of the time in the Cherokee Nation then.
Q Have you ever lived outside of the Indian Territory? A Only came to see my mother on a short visit.

The undersigned, being duly sworn, states that the foregoing answer to the Commission to the Five Civilized Tribes contains a correct record of the testimony and proceedings in this case, and that the same is a true and correct transcript of his deposition taken thereof.

Subscribed and sworn to before me this 20th day of June, 1902.

Notary Public.

Cherokee D-648.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 28, 1902.

In the matter of the application of Joseph Davis for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nannie Davis, and children, Sanford L., and Leo V. and Lorena G. Davis, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Joseph Henderson Davis.
Q How old are you, Mr. Davis? A Thirty-one.
Q What is your post office address? A Ramona at the present.
Q When you made your original application it was Talala P.O. it?
A I believe it was.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q What is your wife's name? A Nannie Davis before we were married.
Q So you didn't change her name any? A No sir, didn't change her name.
Q Is she living? A Yes sir.
Q Is she a citizen by blood? A Yes sir.
Q Was she enrolled as such? A Yes sir.
Q When were you married to your wife, Mr. Davis? A We were married in the summer, 1897.
Q Were you married under a Cherokee license? A Yes sir.
Q Were you ever married prior to your marriage to your wife, Nannie Davis? A No sir.
Q Have you ever been married prior to that time? A No sir.
Q Have you ever lived in the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation and the time when you first went there to live? A I have lived here all my life.
Q Have you lived in the Cherokee Nation all the time since you first went there to live? A Yes sir, I lived in the Cherokee Nation, I was born and raised in the Cherokee Nation. A
Q Are you in the habit of voting? A Yes sir.
Q Have you ever voted? A Yes sir.
Q Are you married? A Yes sir.
Q Are your children living with you? A Yes sir.

Cherokee D.640.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., October 28, 1902

In the matter of the application of Joseph Davis for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nannie Davis, and children, Sanford L., and Leo J. and Lorena G. Davis, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Joseph Henderson Davis.
Q How old are you, Mr. Davis? A Thirty-one.
Q What is your postoffice address? A Ramona, at the present.
Q When you made your original application it was Talala, was it?
A I believe it was.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q What is your wife's name? A Nannie Davis before we were married.
Q And you didn't change her name any? A No sir, didn't change her name.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q Was [illegible] A Yes sir.
Q When were you married to your wife Nannie?
A We were married in Delta Bay, Ind.
Q Were you married under a Cherokee license? A Yes sir.
Q Had you ever been married prior to your marriage to your wife, Nannie? A No sir.
Q Had she ever been married prior to her marriage to you? A No sir.
Q Have you all been living together as husband and wife since your marriage up until the present time? A Yes sir.
Q You have not been separated since your marriage? A No sir.
Q You and wife living together as husband and wife on the first day of September, 1902? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since your marriage to your wife or not the whole time the present time?
A Not quite all the time.
Q How much time have you lived out of the Nation? A I lived there one year.
Q In what part of the Nation? A I lived up in Chelsea.
Q How much? A Not quite a year.
Q Have you lived all the time in the Nation? Previous to your marriage? A Yes sir, I was in Indian Territory about a year. I lived in the Cherokee Nation and all my children in the Cherokee Nation.
Q How long had your wife, Nannie, lived in the Cherokee Nation?
A She was born and raised here.
Q And she lived in the Cherokee Nation all the time with the exception of the two years she lived at the Creek Agency?
A [illegible]
Q [illegible]
A [illegible]
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Pros-D-648

32

IN RE
THE DEATH OF

[illegible]

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Joseph Davis (Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near

Ramona (Here insert name of post office), Ind. Ter., and died on the 12 day of

November, 1903

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Nannie Davis, on oath state that I am 32 years of age and a citizen, by blood, of the Cherokee Nation; that my post office address is Ramona (Here insert name of post office) Ind Ter., that I am wife (State relationship as the father, an uncle, a cousin, etc.) of Joseph Davis (Here insert name of deceased), who was a citizen, by adoption, of the Cherokee Nation, and that said Joseph Davis (Here insert name of deceased) died on the 12 day of November 1903.

Nannie Davis

WITNESSES TO MARK

(Mark in Full Witnesses)

Subscribed and sworn to before me this 5 day of August 1914

Samuel Freeman

Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, [illegible]

I, [illegible] on oath state that I am [illegible] years of age and a citizen by [illegible] of the [illegible] Nation; that my post office address is [illegible] Ind. Ter.; that I was personally acquainted with [illegible] who was a citizen by [illegible] of the [illegible] Nation, and that said [illegible] died on the [illegible] day of [illegible]

[illegible]

WITNESSES TO MARK

(Mark in Full Witnesses)

Subscribed and sworn to before me this [illegible] day of [illegible]

[illegible]

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 18 1900

Marriage License.

CHEROKEE NATION, I. T.
Canadian District.

To Any Person Legally Authorized to Solemnize Marriage—Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Joseph Davis, a citizen of the United States and Miss Nannie Davis, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of office this the 14th day of November A D 1893.

George Harris, Clerk,
Canadian District

INDEXED.

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1901	FEB 15 1901		

Chas. Joseph et al
vs
Yuba et al
Contest

Pending in California.

Cherokee V. 648.

DEPARTMENT OF THE INTERIOR,

[illegible] Agency, [illegible].

In the matter of the application for the enrollment of [illegible], et al., as citizens by blood of the Cherokee Nation.

M e m o r a n d u m .

[illegible] case was heard at Muskogee, Indian Territory, on October 19, 1900, and at Muskogee, Indian Territory, on October 20, and October 22, 1900. The application also included Joseph F. Davis as a citizen by intermarriage of the Cherokee Nation, but his status as such is not passed upon at this time and he is not [illegible] herein.

The evidence shows that Annie Davis, a citizen by blood of the Cherokee Nation, was lawfully married to one Joseph F. Davis on December 1, 1886. [illegible] Annie and Joseph Davis [illegible] Leo J. Davis are [illegible] Lorena G. Davis is [illegible] too young to be sworn by [illegible] application [illegible] part of the record herein.

The evidence shows that Annie Davis has lived [illegible] the Cherokee Nation all their lives. Leo J. Davis has lived in the Cherokee Nation all his life, [illegible] Lorena G. Davis [illegible] Annie Davis, Leonard L. Davis, Leo J. Davis and Lorena G. Davis should

be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED Tams Bixby.
Chairman.

SIGNED T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

C. H. Stanley.
Commissioner.

Muskogee, I. T.,

JUN 1 - 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1902

Mr. Joseph Davis,

Talala, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and three minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

15 day of March , 1902

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony, before they will be permitted to do so.

You are required to supply the Commission with evidence as to your residence.

[illegible]
Register.

[illegible]

Commissioner in Charge.

Cherokee D 648

Muskogee, Indian Territory, June 3, 1902.

Mr. Joseph H. Davis,

Tallala, Indian Territory.

Dear Sir:

You are hereby notified to appear before this Commission, at it's office in Muskogee, Indian Territory, on or before June 18, 1902, and submit evidence relative to the residence of yourself, wife and children in the Cherokee Nation. It will be necessary to show how long you have resided in the Cherokee Nation and whether you were residents therein at the date of your application for enrollment, October 18, 1900.

Yours truly,

Acting Chairman.

Register

Tahlequah, Indian Territory, September 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the original cards and jackets in Cherokee cases:

D- 82	D- 648
D- 103	D- 786
D- 169	D-1029
D- 262	D-1049
D- 486	D-1146.

The Commission has heretofore rendered decisions granting the application of some of the applicants in each case. The applicants embraced in the former decisions have been transferred as shown by notes on the cards, and the original cards and jackets are returned herewith for the preparation of decisions as to the remaining applicants.

Respectfully,

[illegible]
Chief Clerk.

[illegible]

REFER IN REPLY TO THE FOLLOWING

Cherokee No.
D. 648

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

Joseph Davis,

Ramona, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Inel. Decn. -D-

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment as citizens by intermarriage of the Cherokee Nation of James Watson, et al

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Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R Goodall	5356
Charles Horton	5390
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Dora Cox	5425
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Charley Headrick	5615
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Lenora A Henry	5621
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John H Shimp	5624
Thomas B Dickson	5625
Minnie Henry	5628
Thomas J Simpson	5629
Cap L Lane	5630
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Joseph Lehr	5851
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Mary C Barnes	5853
Matilda Thompson	5861
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Sarah Cannon	5879
Mamie Beck	5887
Jack H Merchant	5888
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Jerry Young	5906
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William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O Ames	6394
Thomas Wilkerson	6396
Alice C Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F Matheson	6428
Ida L. Wilson	6431
George E Marrs	6441
Ulysses S Reeves	6443
Daniel A Smith	6447
Henry J Dawson	6450
Sarah Adair	6452
Ida I Wilson	6455
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Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary I Foreman	7158
Alma West	7159
James M Connally	7161
Frances M Crowell	7163
Lannie I McClure	7171
Benjamin B Graham	7176
Ada Pharriss	7180
William L Whisenhunt	7184
Frances B Perry	7191
Philip Sharp	7210
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George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
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Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
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Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Coulter	9936
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Ella F. Hall	9939
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James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Sebastian Copeland	10058	Mary L. Cloud	10146
Ella B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lawrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrica	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia L. Lyman	10153
George Parker	10073	Charles F. Tinney	10161
Laura Mosier	10074	Louisa J. Passmore	10169
John D. Kelly	10075	George E. Walker	10170
Nettie Smith	10078	Annie Tanner	10171
Maggie Bainbridge	10079	Josie Winters Hall	10174
David R. Shuttleworth	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Leslie Dry	10182
Ella F. Harper	10082	Emma Moran	10183
William L. Singleton	10083	Annie Winters	10187
Lester Evans	10084	Marian Evans	10188
Ellen Marshall	10085	Elizabeth J. Morgan	10192
Ella Ely	10087	Rosa J. Cox	10199
David T. Mahoney	10094	Rhoda Hall	10200
Theodore Brown	10095	Hannah E. Langley	10201
Thomas J. Jones	10097	Anna Kemp	10203
Malissa C. Summers	10098	Flora A. Terrill	10204
Nancy Hall	10099	Tabitha A. Chandler	10205
Fred Mast	10107	Samuel Shultz	10206
Mary Stewart	10108	Mary B. Chalfant	10207
Thomas O. Shaw	10109	Robert M. Hamilton	10208
Thomas J. Milligan	10111	Julia Billingsley	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T Kiddy	D	108
Henry C Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A Johnson	D	242
Nathaniel G Simpson	D	242
Oneico W Head	D	244
Etta Taylor	D	245
Susan V Sullivan	D	262
Levi H Tackett	D	263
William H Connelley	D	264
Jona A Sullivan	D	284
May Poole	D	297
Katie Hummingbird	D	308
William F Sager	D	[illegible]
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Manuel Spencer	D	884	Linnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mills	D	1337
Silas G. Reneckar	D	966	Alfred H. Woods	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Guinn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr	D	1006	Joseph H. Warren	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Hazlewood	D	1013	S. F. Moore	D	1434
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Albert C Dykes	D	2703
Delora Drew	D	2704
Frank F Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
Irene Riley	D	2739
William H Rowley	D	2740
Columbus C Scroggins	D	2741
Dora Summers	D	2743
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[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3184	Dora Crane	R	628
Maude Thompson	R	4	Andrew Sitrell	R	642
George G. Thompson	R	5	John Sitrell	R	642
William P. Kelly	R	10	Lillie May Wilson	R	643
Alice Ladwell	R	19	Ollie A Barger	R	656
Rosetta McLaughlin	R	41	Ida Hawkins	R	671
Martha A Prestige	R	45	Lizzie Davis	R	761
Orabelle L Payne	R	61	Clara M Emmons	R	803

REFER IN REPLY TO THE FOLLOWING:

Cherokee D 648

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Joseph Davis,

Ramona, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 26, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

WPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-1[illegible]
LMC

Cher R 1142

Trans from Cher D 651

Cher R 1142

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., OCTOBER 19th, 1900.

IN THE MATTER OF THE APPLICATION OF Charles Owen for the enrollment of himself and brother as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Charles Owen.
Q How old are you? A Thirty.
Q What is your Postoffice? A Caney, Kansas.
Q In what district do you live? A Coowescoowee.
Q Who is it you want to have enrolled? A Myself and my brother, Owen Owen.
Q He is absent from the Nation at this time? A Yes sir; he is located in Boston.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I first came here in August, 1895.
Q You have been out since? A Yes sir.
Q What has been the occasion of your absence? A I was working elsewhere.
Q Have you been in the Government employ? A No sir.
Q Are you in the Government employ now? A No sir; my brother is.

The applicant presents a copy of the records of the Commission on citizenship of the Cherokee Nation, showing that on January 31, 1881, certain persons were admitted to all the rights and privileges of Cherokee citizenship by blood, and among them appears the name of Charles Owen.

Q That is your name, is it? A Yes sir.
By the Commission "This is received as official evidence of the admission of the applicant at the time stated".
Q Where did you live between 1881 and 1895? A I was at school in Virginia.
Q 1895 left you about twenty four year old; were you at school then? A No sir, I was not; was I was thirteen or fourteen years old.
Q What time in 1895 did you come to the Cherokee Nation? A In August.
Q Have you made this your home continually since you came in August, 1895? A No sir, I have lived in Virginia; I have lived there continually since last fall.
Q When you came in August, 1895, how long did you stay? A I do not know; I visited my brother and remained until I had some things to do out here.
Q You made a visit in August, 1895, then returned to Virginia? A Yes sir.
Q And what did you come back to the Cherokee Nation? A Last Fall...
Q Not until last Fall? A No sir, I came in October.
Q You have lived in the Cherokee Nation since October, 1895? A Yes sir.
Q When you were out of the Cherokee Nation, did you vote? A I exercised the right of suffrage in Virginia.
Q You exercised the right of suffrage there the time you came here in 1895? A Not all the time, I did not. I was in voting part of the time; I did not vote in 1896, or 1898.
Q Did you vote in 1896? A Yes sir, I voted in the Presidential election in 1896.
Q Have you ever voted in the Cherokee Nation? A No sir.
Q Are you an any of the rolls of the Cherokee Nation? A I do not know, except on this roll. I drew my money when the first payment was made.
Q The Strauss Duty Payment? A Yes sir.

Q Now give me the name of your brother please? A Owen Owen.
Q How old is he? A Twenty nine., He was born in October 1871.
Q He was admitted to citizenship at the same time you were, was he? A Yes sir.

The same paper herein quoted contains the name of Owen Owen, and it is recognized as official evidence of his admission to citizenship on January 31st, 1881.

Q Has your brother ever made his home in the Cherokee Nation?
A Yes sir; I think he made his home here from 1892 to 1895, until he was given this position in the Treasury Department.
Q When did he come here; in 1892? A I do not know: I think he was here about a year; I am not positive.
Q Has he been in the service of the Government ever since?
A Yes sir.
Q And that has kept him out of the Cherokee Nation? A Yes sir.
Q Is he on any of the rolls of the Cherokee Nation? A I do not know.
Q Did he draw his strip money? A Yes sir.
Q Do you know whether he has voted outside of the Cherokee Nation since 1892? A I do not know: He was in Washington City a while, and in New York part of the time; and he is now in Baltimore.
Q This brother, Owen Owen, is living now? A Yes sir.
(1894 Roll, Page 266, #3227, Charles Owen, Coo. District)
(1894 Roll, Page 266, #3228, Owen Owen, Coo. District)
Q What is your brother's present Postoffice address?
A Care of the United States Secret Service, Boston, Massachusetts.
Q He claims Cooweescoowee District as his home, does he?
A Yes sir.

The applicant applies for the enrollment of himself and brother: His brother has reached his majority, but is in the Government service, and is unable to appear in person. The applicant is shown to have been admitted to Cherokee citizenship in 1881: He states that he came to the Cherokee Nation in August, 1892, and after a short time, left the Cherokee Nation, and returned in October, 1892, since which time he has continued to make the Nation his home. He has exercised the right of suffrage in the State of Virginia, voting, he thinks, the last time, in 1896, in the presidential election: He is identified on the roll of 1894: His application will be taken under advisement for further consideration, and the final decision of the Commission will be communicated to him at his Postoffice address.

His brother, Owen Owen, is shown to have been admitted to Cherokee citizenship in 1881: He is said to have come to the Cherokee Nation in 1892, and to have made his residence here for about one year, at the end of which time, he accepted a Government position, and he has been out of the Cherokee Nation upon his official duties since accepting that position. It is not known whether he has exercised the right of suffrage out of the Cherokee Nation: He is identified on the roll of 1894: He is said to be living at this time. The application for his enrollment will be taken under advisement, for the further consideration of the facts stated, and [illegible] of the Commission will be made known to him.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this cause, and that the foregoing is a true and caught transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of October, 1900.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 19 1900

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 19 1900 1900.

Name No 1, Carey Tas.

District No 2, Child's Indian Service Year Roll No.

Boston Mass.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Admitted by council

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Dist Year Page No Age

Dist Year Page No Age

Dist Year Page No Age

Dist Year Page No Age

Dist Year Page No Age

Dist Year Page No Age

Dist Year Page No Age

Dist Year Page No Age

Dist Year Page No Age

Dist Year Page No Age

To be filed in Cherokee D-651, Charles Owen et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., November 19, 1900.

In the matter of the application of Robert L. Owen for the enrollment of his aunt, Alice L. Owen, and her two children, as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your full name? A Robert L. Owen.
Q What is your age? A 44.
Q What is your postoffice? A Muskogee.
Q Your residence? A Cooweescoowee District.
Q For whom do you wish to make application now? A Alice L. Owen, my first cousin by blood and aunt by marriage.
Q Have you had charge of her interests in the Cherokee Nation? A I have had charge of her farm and other matters for a good many years.
Q Do you wish to apply for her alone? A For her and two daughters one of the daughters is of age, and I suppose a separate application should be made for her.
Q She is unmarried? A Yes, sir, they live together.
Q You wish to apply then only for Alice L. Owen and two children? A Yes, sir.
Q How old is Alice L. Owen? A Alice L. Owen is 56 years old.
Q Does she claim citizenship in the Cherokee Nation? A She claims citizenship in the Cherokee Nation.
Q In what district does she claim citizenship? A In Sequoyah.
Q What is her present postoffice address? A Lynchburg, Virginia.
Q Is she on any of the rolls of the Cherokee Nation? A She is on the roll of 1884 and perhaps others, I am not sure.
Q Is she on the roll of 1880? A I think not.
She was readmitted in 1881.
Q Have you a certificate of her admission? A I have, but haven't it with me, it was submitted in the case of Robert Stuey Owen.
Q And he left it on file? A I don't know.
Q Does Alice L. Owen claim to be a Cherokee by blood? A She is a Cherokee by blood.
Q What is the name of her father? A Her father was named Lynde.
Q Do you remember his given name? A I cannot recall it at this moment.
Q You remember her mother's given name? A Yes, her mother's given name was Jane Chism—maiden name, and she married Lynde, and afterwards married Benton.
Q How long has Mrs. Owen lived where she was admitted in 1881? A She has lived in Lynchburg, Virginia.
Q Ever since 1881? A Except on occasional visits out here.
Q What is the name of her husband? A William Stuey Owen he died in 1887. A white man.
Q When did she marry him? A Married him in 1864, 61 or 4.
Q And he died in 1887? A He died in 1887.
Q And they live together as husband and wife from the time of their marriage until his death? A Yes, sir.
Q Give me the names of the two children please? A Jane Owen.
Q How old is that child? A I believe that she is about 22 years old. She has ceased to be a child.
Q She has never married? A She is not married.
Q Is she on any roll of the Cherokee Nation? A She is on the roll of 1884 and I think on the roll of 1880.
Q Give me the name of the next child? A Alice Owen.
Q How old is she? A I think she is about 21.
Q They are both living with you now? A Yes, sir.
Q Have they both made their home continuously with their mother

in Virginia? A Yes, sir, Jane Owen lived in the Cherokee Nation a year or two at Tahlequah, and taught school, I think in 1884. Alice Owen inherited her mother's farm in Sequoyah District and for that reason claims Sequoyah as her district.
Q She still holds that farm? A Yes, sir.
1880 roll examined for Alice L. and Jane Owen and not found.
1896 roll examined for Alice L. and Jane Owen and not found.
1894 roll page 266 #3823 Alice Owen Cooweescoowee Dist.
Q Was Alice in Cooweescoowee? A She had this place I was telling you of; I thought she claimed in Sequoyah.
Q She had a Cooweescoowee place also did she? A Yes, sir.
1894 roll page 266 #3824 Alice Owen Jr. Cooweescoowee.
1894 roll page 266 #3825 Janey Owen Cooweescoowee.
Q Does Mrs. Owen propose to come back to the Cherokee Nation and make her home? A I couldn't answer that question.
Q Is there any purpose entertained by either of her daughters to return to the Cherokee Nation and make it their home?
A I couldn't answer that question.

Examined by Cherokee Rep've J. L. Baugh:

Q Alice Owen never returned after that admission? A She has been here on a visit; never lived here; she has a farm in Sequoyah and a farm in Cooweescoowee.

Com'r Brookinridge: The applicant applies for the enrollment of Alice L. Owen and her two children; he states that Alice L. Owen was readmitted to citizenship in 1881, since which time she has substantially made her home in Lynchburg, Virginia; she is identified on the Roll of 1894, and she has continued to hold farming property in the Cherokee Nation; it is desired that the Commission be furnished with official evidence of her admission to citizenship in 1881; to await this evidence, and for the further consideration of her status arising from her period of non-residence in the Cherokee Nation, under the conditions stated in the testimony, she will now be listed for enrollment as a Cherokee by blood on a doubtful card; the applicant is permitted to make application for this lady because of the great expense and difficulty of her making application for herself, and it has been his custom to attend to all of her affairs in the Cherokee Nation, for the same reason he is permitted to make application for her two children named in the testimony, who are identified on the roll of 1894; they have lived with their mother, except that the younger one was born in the Cherokee Nation and the older one, beginning in 1884, lived for two years in the Cherokee Nation and taught school; they will be listed for enrollment as Cherokees by blood on a doubtful card for further consideration of their status.
Final decision of the Commission will be made known to the applicant at his postoffice address.

W. D. Breed, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) W. D. Breed.

Subscribed and sworn to before me this 26th day of November, 1906.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur C. Cremingor, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur C. Cremingor

Subscribed and sworn to before me this 21st day of February, 1902.

Commissioner.

"To be filed with D-651, Charles Owen et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Alice L. Owen for the enrollment of herself and children as citizens of the Cherokee Nation, D-826.

Applicant represented by Robert L. Owen, Muskogee, I.T.
Cherokee Nation represented by W. W. Hastings.

SUPPLEMENTAL TESTIMONY.

WILSON O. BRUTON, being duly sworn, testified before the Commission as follows:

Q What is your name? A Wilson O. Bruton.
Q Where do you live? A Near Muldrow, in the Cherokee Nation.
Q Do you desire to make a statement relative to the enrollment of Alice L. Owen and her two children? A Yes, sir.
Q Proceed please? A Alice L. Owen is a half-sister of mine. I have had charge of her property since her readmission to Cherokee citizenship by the National Council of the Cherokee Nation. For several years her property consisted solely of personal property. In the year 1890 or 1889 my mother died; in 1890 my father died. The estate was divided and the old homestead place became hers. Her father and my mother is buried on the homestead I mentioned. I have had charge of that property for her ever since. I pay her every year the rents off of it. She is in Lynchburg, Virginia, but claims this homestead as her home as I understand it. She has been here several times since her readmission or at least more than once, I can't say how many times. I am not familiar with the dates of the birth of the children. I know their names, but I am not familiar with the dates of their birth.

MR. OWEN: What are the names of her daughters living with her?
A Janie Owen and Alice Owen.
Q Do you know Charles Owen? A I do.
Q Do you know where he is living? A He is living at Caney in the Cherokee Nation, near Caney in the Choctaw Nation.
Q Do you know how long he has been living there? A No, sir, I think perhaps about a year.

MR. HASTINGS: Your sister is married at present? She was married; she is a widow now.
Q You say at present residing at Lynchburg, Virginia? A Yes, sir.
Q Was this homestead ever divided or do you own it jointly yet? A It was divided.
Q And her share set apart? A Yes, sir. There was two or three farms, and we divided the personal property, and everything was divided. I have an interest in the homestead, but has no other sister, there is only three of us in all.

MR. OWEN: It is stipulated that [illegible] of all the testimony had in the matter of the application of Alice L. Owen to be enrolled as a citizen of the Cherokee Nation be filed and made a part of the record in the case of Charles Owen et al, D-651.

Wilson O. Bruton, being recalled, testified as follows:

rapher of the Commission to the Five Civilized Tribes he reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur Shannon

Subscribed and sworn to before me this 20th day of February, 1908.

Commissioner.

Supl.-C.D.#651.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of CHARLES OWEN, ET AL., as citizens of the Cherokee Nation:

The applicants were notified by registered letter February 15, 1902, that their application for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902; and that on said date they might appear before the Commission either in person or by attorney, when an opportunity would be given them to introduce any further testimony affecting their application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 6th day of March, 1902, been called three times and failing to respond it is directed that the case be closed, and that the name be reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

C.C.C.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

O R D E R.

It is ordered that copies of the affidavit of Owen Owen, hereto attached and subscribed and sworn to before H. T. Graves, Notary Public, be filed with and made a part of the record in the following Cherokee cases:

Charles Owen et al D 661
Robert C. Owen et al D 430
Alice L. Owen et al D 826

Dep 5 - 10 - 12 copies

Commissioner in charge.

Muskogee, Indian Territory,

April 1, 1904.

A F F I D A V I T.

Personally appeared before me, Owen Owen, citizen of the Cherokee Nation, of Coo-wee-scoo-wee district, who having been duly sworn, on his oath says:

In my 20th year I went to the Cherokee Nation, and established residence in Coo-wee-scoo-wee district in the employ of Robert L. Owen.

I left the Cherokee Nation in 1894, in the service of the United States, in the Treasury Department, and afterwards served the Government at various placed, New York, Washington, Boston, Philadelphia, having gone on a trip to Central America at Costa Rica, representing the United States there in a counterfeiting case. I brought back from that trip nearly $500,000. of counterfeit money.

I claim the right of political domicile in the Cherokee Nation. Robert L. Owen has been my agent, in relation to my rights to an allotment in the Cherokee Nation, and I still so recognise him.

My father died 18th of February 1892. His name was William Otwa Owen, of Lynchburg, Va.

My mother was Alice L. Owen, the daughter of Jane Bruton, of Sequoyah district. Her children were, Robert Otway Owen, Jane Owen, William Owen, Charles Owen, Owen Owen, and Alice Owen. They

were made orphans by the death of my father, 15th of February 1902.

My mother was born in the Cherokee Nation and belonged to the old settlers or Western Cherokees. Her mother, Jane Bruton, was never out of the Territory and is buried there.

Her grandfather, Thomas Chisholm, an old settler Cherokee, one of the Chiefs of the Cherokee Nation at his death, is buried in the Cherokee Nation at the old family homestead, on Beatties Prairie.

(signed) Owen Owen.

Washington,
District of Columbia. ss.

Personally appeared before me, Owen Owen, who having been duly sworn made and signed the above statement, as true to the best of his knowledge and belief.

Witness whereof I attach my hand and official seal.

(SEAL)

(signed) [illegible]. T. Graves,
Notary Public.

Cherokee D--651.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 20, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHARLES OWEN as a citizen by blood of the Cherokee Nation.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by W. W. Hastings.

CHARLES OWEN, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q State your name, age and post office address? A Charles Owen, present post office is Caney, Kansas, my age is 35.
Q You are a Cherokee by blood? A Yes sir.
Q You have a brother Owen Owen? A Yes sir.
Q You were admitted to citizenship by the Cherokee National Council in 1881, were you? A I think it was 1880, it may have been 1881, we were not admitted by the Council, however, we were enrolled by some Commission that was appointed to make a roll. We never applied to the Council.
Q When did you first come to the Cherokee Nation? A In August 1894.
Q Have you remained in the Cherokee Nation continuously since then?
A I have not.
Q When you came in August of 1894 how long did you remain there?
A I don't recollect, I remained only a short while, decided I would come back to the Cherokee Nation, I went east to close out my business affairs there, and while there was taken sick, had the typhoid fever then I was followed by a very long illness, I had to go to the hospital and was there two years, had to be treated for nervous prostration and mind trouble.
Q When did you leave the hospital? A I think I left the hospital in 1898, I think it was, there is an affidavit here from the hospital, I think it was 1898.
Q Where did you go when you left the hospital? A I came to the Cherokee Nation.
Q Then how long did you stay? A I have been here continuously.
Q Your trip in August of 1894 was the first time you were ever in the Cherokee Nation? A Yes sir.
Q Did you in any way identify yourself with the Cherokee Nation prior to that time? A Through my attorneys I did, I had property here, I had cattle here, I think they were holding a farm here for me when I was a child, my cousin Robert Owen had a farm for me and had some cattle for me. During my minority I know he acted as my attorney or guardian here.
Q You were 24 years of age when you first came to the Cherokee Nation? A Yes sir.
Q Had you ever authorized any one prior to 1894 to secure a farm for you in the Cherokee Nation? A I authorized Robert L. Owen to do so.
Q Did you collect any rents or derive any benefits at all from the farm? A I did.
Q Any money? A [illegible] at one time he sent me.
Q Was that prior to 1894? A Yes sir that was in 1892 I think.
Q Was that [illegible] proceeds derived from your farm? A I don't know just where it was derived from.

Q Did you get any other money? A On a good many occasions I would write to him and he would send me money and charge it up to my account on my cattle I had on my farm.

Q You don't know then whether that $2500.00 was rents from your farm or whether it came from some other source? A I don't think it could have been rents from the farms, all of it. I wrote to him one time I remember and asked him to send me $25 0.00 and he did, and he charged it up against my account with me. I don't think the farm would have yielded that much. He had had this farm since I was a child.

Q What relation are you to Robert L. Owen? A A first cousin.

Q Was he looking after an estate in which you had an interest?

A No sir, not that I know of our,--it would have been an estate, only our interest in the Cherokee Nation that I know of. I don't know of anything else.

Q Did you, just through your attorney or agent, buy a farm in the Cherokee Nation which was being held for you or was so left to you as a part of the estate of your parents? A No sir, it was not my parents that I know of, my father wasn't a Cherokee, my mother was a Cherokee. Robert Owen made a farm for each one of us children.

Q Did you know anything about the location of the farm or the improvements on it or the extent of it prior to your coming to the Cherokee Nation in 1894? A No sir I can't say that I do, I know that I had a farm here and I know I had cattle here, and my brand of cattle was registered with the Cherokee Nation, but I didn't consider it of any great importance, and I don't know as I paid any attention to it at all until I came myself.

Q The place made by Robert L. Owen and held for the Owen family, was it just held in common for the Owen family? A No sir, I think each one had his own individual farm.

Q When you came to the Cherokee Nation in 1897 or 1898 did you take possession of the farm which Robert L. Owen had held for you?

A Yes sir, I took possession of it to this extent that I farmed it while I was farming for him. I was attending to all his farm at the time and I attended to me own at the same time. I was indebted to Robert Owen and I turned over my rents of the farm that belonged to me to him in order to lift my debts.

Q Have you been in possession of that farm continuously since then?

A Up until the time I thought I was going to lose my allotment, then I sold it.

Q How long ago was that? A Something over a year ago I guess.

BY MR. HARRISON:

Q Where was that farm? A In Chewey-ocuyee near Caney River.

Q Was it inclosed separate or in a large inclosure? A It was inclosed with my sisters, my mothers, and brothers.

Q How much was in that inclosure? A About [illegible] acres all together, but there were pastures and different fences dividing the place up.

Q About how far from Cane, Kansas? A About seven miles south.

Q From 1897 or 1898 you always turned over the rent to Mr. Robert Owen? A Yes sir, I owed him a great deal of money when I came to this country, on the theory that I would build a farm here.

Q Was it the money that made this farm for you that you were paying rent? A I think so, yes. I think he had me charged that way.

Q Just had the place made? A Yes sir.

Q He charged you up with this and you have been paying it back with the rents? A Yes sir.

Q Your farm and your mother's and other relatives were included in one inclosure? A Sister's and brother's, yes sir.
Q You never then got any separate rents from this farm other than those turned over to Robert Owen? A None whatever, I owed him about $5000.00 when I came to the Cherokee Nation.

ON BEHALF OF THE COMMISSIONER:
Q A certificate signed by the Superintendent of the Western State Hospital of Staunton, Virginia, dated November 18, 1903, states that you were admitted to that institution on January 24, 1898, and discharged on October 4, 1899, is that correct? A I think that he has got it one year wrong, I think I went there in 1897 and left in 1898, I may be wrong of course but that is my recollection.
Q Is there any other evidence you desire to introduce in support of your application for enrollment? A No sir.

This case is closed.

----------oOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 25th day of July, 1906.

Edward Brown
Notary Public.

Cherokee D-651.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 28, 1905.

In the matter of the application for the enrollment, as citizens by blood of the Cherokee Nation, of Charles and Owen Owen.

Charles Owen, being duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Charles Owen.
Q What is your age? A Thirty-five. Post office Caney, Kansas.
Q Are you a Cherokee by blood? A Yes.
Q Have you a brother named Owen Owen? A I have.
Q Is he living at the present time? A He is.
Q What is his present postoffice address? A I think Philadelphia, Pennsylvania.

WITNESS EXCUSED.

Louise Smith, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above case, and that the above and foregoing is a true and correct copy of her stenographic notes therein.

Subscribed and sworn to before me this July 28, 1905.

Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 24, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHARLES and OWEN OWEN as citizens by blood of the Cherokee Nation.

APPEARANCES:
For applicants, Robert L. Owen.
For Cherokee Nation, W. W. Hastings.

ROBERT L. OWEN, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q State your name, age and post office address? A Robert L. Owen, 49 years old, Muskogee, Indian Territory.

Q You are a recognized and enrolled Cherokee by blood? A Yes sir.

Q You desire to give some testimony in connection with the application for the enrollment of Charles and Owen Owen as citizens of the Cherokee Nation? A Yes sir.

Q What relation are you to Charles and Owen Owen? A First cousin.

Q You are their attorney of record are you? A I am not quite sure of that although I have represented them in the matter of their citizenship.

Q Just go ahead and make any statement you desire to make in connection with their application? A Owen Owen, under my advice, came to the Cherokee Nation and established a permanent residence A in 1893, or possible in 1892. He entered my service and I remember it being in 1893, because I took him with me as a stenographer to the Cherokee Outlet at the time of the opening in September, 1893. At a later date in 1894 or 1895 he was appointed by the Treasury Department at Washington, and entered the secret service of the United States. I do not now know where he is. I do not know that he is in the service of the Government at this time. I believe that he is not. I have held land in the Cherokee Nation with an agreement with the members of the family of which Owen Owen is a member, proposing to locate their allotments when allotments could be made out of such lands as I held, and have allowed them rental upon such land since the Curtis Act passed. I have made no settlement with the individuals for the reason that they were hopelessly in my debt, and I was entirely indifferent as to whether they ever paid me or not, having advanced to Owen Owen and Charles Owen, and the members of their family, including R. O. Owen, and yeen Owen, sums of money probably aggregating $20,000.00, which, so far as I was concerned was a gift, although if they were attempted to repay it I would support them to do it. For this reason Charles Owen in his last [illegible] this case was confirmed in speaking of his [illegible] large sums referred to by his uncle, as [illegible] for him, or the members of his family, had [illegible] personal affection, although [illegible] a way of repaid [illegible]

Nation until she was 16 years old. My mother, Narcissa Owen, desiring that Alice Owen should be educated as well as possible invited her to Lynchburg, Virginia, where my mother then lived, and my mother educated Alice Owen, and Alice Owen was married in 1863 to William O. Owen, my father's brother. She lived there for many years making occasional visits back to the Cherokee Nation. Under the Cherokee constitution the Cherokee people finding that in order to lose citizenship it was necessary to leave the Cherokee Nation with ones person, second with ones property, and third take up citizenship with some other community, Alice Owen's mother, Jane Bruton, proposed to protect her rights against the charge of a loss of citizenship by keeping property for Alice Owen and her children. This, I understand, was done. In 1879 at the instance of Narcissa Owen, my mother, who desired me to join the Cherokee people, I came to Indian Territory. In 1880 an authorized roll of the Cherokee people was made up, I was put upon such roll by a Commission upon which was Wash Mayes, William Harnage, and Roach Young. They placed upon that roll, Narcissa Owen, my mother, William O. Owen, my brother, and myself. I did not apply to the Cherokee Council for readmission under the constitutional provisions that the council might readmit. I did not intend to concede for myself, my mother or my brother that we had not the rights of Cherokee citizenship, or that we would be obliged to seek readmission as an act of grace, but supposed that we had the right of enrollment on this roll as a matter of legal right. At all events we were recorded on the roll of 1880 and are recognized as citizens of the Cherokee Nation on the approved schedules. In 1881 finding that Alice Owen and her children, R. O. Owen, Jane Owen, Charles Owen, William Owen, and Alice Owen were not on the rolls I made application personally to a Commission headed by Roach Young asking that they be enrolled. When I made my own application to the previous Roach Young Commission I had no witnesses I believe except the Commission itself, my mother having waited on Wash Mayes when he was married, Roach Young and Harnage having been personal friends of my uncles. There were but little formalities in this application for Alice Owen and her children. I assuredly had no purpose of conceding that Alice Owen had lost her citizenship and required to be readmitted by act of Council, nor was I authorized to make such admission, in fact it never occurred to me as having any existence as a theoretical proposition. All that I intended to do was to have them enrolled.

BY MR. HASTINGS.

Q The Roach Young Commission was a Commission on citizenship, was it not? A That is my understanding.

Q The Roach Young Commission was not a committee of the National Council? A It was not.

Q The fact is that this Roach Young Commission upon your application did admit or readmit you and the members of your family? A They did.

Q And it is also true that this same Commission, or one headed by Roach Young admitted or readmitted the family of Alice Owen, including Charles and Jane Owen? A Yes sir.

Q How long did Jane Owen remain here in 1880 or 1881? A My impression is that he was living here between one and two years.

Q You said that in 1880 or 1881 he was engaged by the Treasury Department of the United States in the Secret Service, where did he be at the time of his employment? A He was in the Indian Territory at my house.

Q Did he enter the service of the United States from there? A He did.

Q You are not certain as to where he is, or whether he is in the service of the United States at this time? A I am not, I have no correspondence with him, and do not know where he is.
Q Now as to the land you were holding, you did not have any particular land segregated off for each member of the family? A No sir, I held it in bulk until the spring of 1894 at which time, having determined to make the allotments I had the various members of my family, meaning these people, make me Powers of Attorney and thereupon made a little mapproposing a subdivision of the property which I continued to hold.
Q Was that in 1894 that you mean to say? A I mean to saw 1904.
Q But prior to that time no subdivision? A Prior to that time I had not subdivided the land but held an amount of land equivalent to that which they would be entitled under the statute.
Q You have never accounted to them for rents except in the matter as you stated by advancement? A That is all and crediting them on my ledger.
Q Alice Owen, the motherof these children, is in Virginia? A Yes sir.
Q And has always been there since prior to the war? A Yes sir.
Q As a matter of permanent residence? A Yes sir.
Q I believe you stated she married your uncle there? A Yes sir. It has been the hope of Alice Owen to return to the Cherokee Nation and live but it has been impossible on account of pecuniary conditions, she was not able to do it.
Q Has she a farm in Virginia? A No sir, the only farm she has is or was the old homestead where her mother is buried, and which descended to her at the death of her mother I believe in 1890.
Q Is her husband living? A Her husband has been dead for a long time.
Q He died in Virginia? A He died in Virginia? A Jane Owen came to the Cherokee Nation and taught for two years at Tahlequah, I believe in about 1862 or 1863, living there two years, and all of her sons ----------
Q Is she married? A No sir. All of her sons have come to the Cherokee Nation and I know that Charles Owen has been contemplating making a place for his mother and sisters in the hopes that they would join him in the Cherokee country.

ON BEHALF OF THE COMMISSIONER:
Q When Owen Owen came to the Cherokee Nation as you spoke of in 1893 did you intend to state that he came to the Cherokee Nation or to Muskogee? A He came to Muskogee, and was in my service both at Muskogee and in Coowescoowee District where I had business, he working as my secretary.
Q You were at that time U. S. Indian Agent at Muskogee? A I was no; I had been U. S. Indian Agent from 1866 to 1869.
Q You were at that time residing in the town of Muskogee? A I was.
Q What age was he at that time? A I do not recollect his age at that time. I think he was probably about 19 or 20 years old. The record in this case, I think, will show his exact age, I have forgotten what it was.
Q When application was made for his enrollment on October 19, 1900, his age was given as 25 which in 1894 would make him about 21 years of age, was that the first trip he ever made to the Cherokee Nation or Indian Territory? A I am not sure about that, Alice Owen on the various trips she made would be accompanied with one of her children, I think possible he had come before, but I am not sure of that.

Q The property you acquired for the members of the family of Alice Owen was prior to his trip here, at that time? A I had acquired the property prior to that time.

Q Is that the property you have held since then for them? A I have continuously held the place referred to, it was the Burnett place there about that time.

The Attorneys for the applicants and the Cherokee Nation announce that they have no further testimony to introduce, the case will be closed and a decision prepared upon the evidence heretofore introduced.

---oOo---

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 25th day of August, 1906.

Notary Public.

C76

Cherokee D 651

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles Owen and Owen Owen as citizens by blood of the Cherokee Nation.

--:--

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That, at Muskogee, Indian Territory, on October 19, 1900, Charles Owen appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his brother, Owen Owen, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 1, and July 18, 1904, and July 20 and 29, and August 24, 1905. Copies of the testimony taken on October 19, 1900, and on February 19, 1908, in the Matter of the application of Alice L. Owen, et al., Cherokee D 826, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That Charles Owen and Owen Owen are sons of Alice L. Owen, that they, together with their mother and other members of the family, were admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, on January 21, 1901, and that said applicants are identified on the 1904 Cherokee Strip payment roll.

It further appears that the said Charles Owen and Owen Owen, were thirty and twenty-nine years of age, respectively, at the date of their application for enrollment and that neither of said applicants permanently located in the Cherokee Nation prior to June 4, 1906.

An Act of the Cherokee National Council passed December 4, 1894, provides:

"That all persons who have been or may hereafter be re-admitted to citizenship in the Cherokee Nation, are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act , or from the date of the readmission of persons hereafter restituted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided that nothing in this act shall bar minors and orphans."

I, [illegible], ORDERED AND ADJUDGED: That, under the provisions of the Act of the Cherokee National Council above quoted, and following the ruling of the Department in the case of Alice [illegible] Owen, et al., (I. T. 2374-1905), under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495) Charles Owen and Owen Owen are not entitled to enroll and as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly denied.

[signature]

Dated at Muskogee, Indian Territory,

this [illegible]

Cherokee D 651

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles Owen for the enrollment of himself and his brother Owen Owen as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 19, 1900, Charles Owen appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his brother, Owen Owen as citizens by blood of the Cherokee Nation. Copies of the testimony taken on November 19, 1900, and on February 19,1902, in the matter of the application of Alice L. Owen, et. al. Cherokee D 726, were filed herewith and made a part of the record herein.

The evidence shows that the said Charles Owen and Owen Owen were admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, on January 31, 1881. It appears that Charles Owen did not remove to and permanently settle in the Cherokee Nation until 1894.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides.

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Owen Owen removed to the Cherokee Nation in 1892 and has made his home therein since that time, and that at the time of this application he was in the employ of the United States Government, at Boston, Massachusetts. Charles Owen and Owen Owen are both identified on the Strip payment roll of 1894.

It is, therefore, the opinion of this Commission that the application for the enrollment of said Charles Owen as a citizen by blood of the Cherokee Nation should be denied under the provisions of the Act of Congress above quoted, and it is so ordered.

It is further the opinion of this Commission that the said Owen Owen should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Paragraph 1, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____ Chairman.

_____

_____

Dated at Muskogee, I. T.

Mar 6 1902

(C O P Y)

AFFIDAVIT/

Robert L. Owen having been duly sworn , on his oath says; I know Owen and Charles Owen well (Roll No. D. 651 Cherokee Rolls) they are the sons of Alice Owen a native born Cherokee. By an inadvertance Alice Owen has been referred to as having been re-admitted in 1881. She was not re-admitted in fact, never having applied for readmission, but, as a copy of the certificate on file in her case shows, she was simply enrolled , on my request being entitled thereto as a recognized native born Cherokee. Neither she nor her children come within the scope of the Cherokee act of 18 94 requiring re-admitted persons to remove within six months into the Cherokee Nation. Owen Owen had been in my employ in the Cherokee Nation residing in Coowescoowee District in 1893 and left the Cherokee Nation to enter the service of the United States in the Treasury Department when he was registered as from the Indian Territory. I have regarded myself as the Agent of Alice Owen and her children and have held for them since 1881 cultivated land in the Cherokee Nation and now hold the same for them such land proposing to file an application for allotment to them of such land as soon as their rights as citizenship are determined, holding proper powers of attorney from each and every one of Alice Owen and her children for that purpose.

W. D. Vernon, I am informed and believe and therefore assert that a branch of cattle belonging to Alice Owen and her children in Sequoyah District from 1881 to 1891. The evidence to that effect exists as found in the case of Alice Owen. Four of these people have forfeited their rights but are entitled to enrollment as Cherokees by blood.

(Signed) [illegible]

Western Judicial District

Indian Territory.

This day personally appeared before me Robert L. Owen to me well known, who having been duly sworn, made and subscribed to the above affidavit in my presence, witness my hand and official seal, on this the 9th day of May, 1904.

Chas. Mercer

My Commission expires 19 day of Nov. 1907.

xxxxxxxxx
x S E A L x
xxxxxxxxx

INDORSEMENTS.

Indian Office

2185 1904.

Encl. No. 1

DEPARTMENT OF THE INTERIOR,

RECEIVED.

May 18 1904.

Encl. No. 2 of No. 4[illegible]

Indian Territory Division.

[illegible] Owen, being first duly sworn, states that on examination of the Commission to him from William Wirt, he made the above and foregoing copy and that the same is a true and complete copy of the original Commission.

Robert L. Owen

Subscribed and sworn to before me this [illegible] day of [illegible]

[illegible]

8607

Certificate of
Isaac Adair Clerk
Sequoyah District

Recorded
Charles Evans

(Copy)

Clerks Office)
Sequoyah Dist.)
C.N.)

Saliseu, I.T.

December 19th, 1889.

Wm. Owen, Muskogee, I.T.

Dear Sir:-

I hereby certify that your mark and brand is registered in your familys names as follows, to-wit:- Alice Owen, Robert Grey Owen, Wm. Owen, Chas. Owen, Jane Owen, Owen Owen and Alice L. Owen. The brand is (OO), two circles on left side mark crop and split in left ear and swallow fork in right, range one mile 1/2 from Baldrun, Sequoyah District, C.N.

Recorded in A Book of Records of marks and brands in this office on Page 100, on this day and date above mentioned.

J.M.Adair,

Clerk of Sequoyah District,
C.N.

(Seal)

P.S. My fee is One Dollar & 50/100.
J.M.A.

8657

Certificate of
J. H. Adair Clerk
Cayuga Dist

Citizenship of
Cyrus Curtis

(Copy).

Clerks Office)
Sequoyah Dist.)
C.N.)

Saliesw, I.T.

December 19th, 1889.

Wm. Owen, Muskogee, I.T.

Dear Sir:-

I hereby certify that your mark and brand is registered in your familys name as follows, to-wit:- Alice Owen, Robert Otway Owen, Wm. Owen, Chas. Owen, Jane Owen, Owen Owen and Alice L. Owen. The brand is (00), two circles on left side mark crop and split do left ear and swallow fork in right, range one mile 1/2 from Muldrow, Sequoyah District, C.N.

Recorded in A Book of Records of marks and brands in this office on Page 100, on this day and date above mentioned.

J.H.Adair,

Clerk of Sequoyah District,
C.N.

(Seal)

P.S. My fee is One Dollar & 50/100.
J.H.A.

A617

Affidavit of
Wilson O. Burton
citizenship of
Penn Grim

(Copy)

Tahlequah, I.T.

Nov. 10th, 1881.

Personally appeared before me Wilson O. Bruton, to me well known, who states under oath that he is a brother of Alice Owen, who with her children, to-wit Robt. O. Owen, Jane Owen, Charles Owen, Owen Owen and Alice Owen, Jr., have filed with the treasurer of the Cherokee Nation their claim for per capita which was denied them at the recent payment. He further states that they have held property in Sequoyah District, C.N. every since they were re-admitted to citizenship by the National Council in January, A.D. 1881, and do now hold property in said District.

Wilson O. Bruton.

Sworn to before me this the 10th day of November, A.D.1881.

Ridge Paschal.

U.S.Commissioner for the First Judicial Division, Ind. Territo-

(Seal)

I hereby certify that the above is a true and correct copy,

In witness whereof I have hereunto set my hand and seal this the 27th day of November 1883.

Notary Public

My commission exp. Jan 1886

D

D651

DEPARTMENT OF [illegible]
COMMISSION TO THE FIVE [illegible] TRIBES

FILED

FEB 24 1902

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

Mr. Charles Owen,

Caney, Kansas,

Sir:-

You are hereby notified that the application of yourself and Owen Owen

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the sixth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of readmission.

Cherokee 2-481
Register.

Acting Chairman.

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-D-651

Muskogee, Indian Territory, July 8, 1903.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Sir:

Upon examination of the record in Cherokee case D-651, Charles Owen et al., it is considered that there is not sufficient testimony from which to prepare a decision.

The record is herewith forwarded to the Land Office, and it is requested that further testimony be taken as to the residence of Owen Owen, tending to show when he made permanent settlement in the Cherokee Nation, and whether he has maintained possession or control of any property in the Nation during his absence therefrom. It is also desired that the record show where Owen Owen has exercised the rights of suffrage.

Respectfully,

Commissioner in Charge.

Enc. 2-14

Cherokee D 651

Tahlequah, Indian Territory, July 13, 1903.

Owen Owen,

Care U. S. Secret Service,

Boston, Massachusetts.

Dear Sir:

You are hereby notified that before your application for enrollment as a citizen by blood of the Cherokee Nation will be complete, it will be necessary that you appear before the Commission and testify as to your residence. Evidence is particularly required as to when you made settlement in the Cherokee Nation, what property you ever owned in the Nation during your absence therefrom, etc.

This testimony can be presented before the Cherokee Land Office of this Commission, at Tahlequah, Indian Territory, and should be introduced at the earliest possible day.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

M

WESTERN STATE HOSPITAL
SIC SEMPER TYRANNIS

SUPERINTENDENT'S OFFICE

GEN. BLACKFORD, M. D., SUPT.

STAUNTON, VA. Nov 18. 1903

This is to certify - that Charley Rowe was admitted in this Hospital - Aug 24 1903 Diagnosis - Acute Primary Dementia - was discharged Recovered not at this Hospital but at the Hospital.

Dr. Blackford M.D.
Supt.

Cherokee
D. 651.

Tahlequah, Indian Territory, January 15, 1904.

Commission to the Five Civilized Tribes,

Cherokee Division,

Muskogee, Indian Territory.

Gentlemen:

Receipt is acknowledged of Commission's letter of January 11 enclosing for filing, among other things, "certain documents and certificates ordered to be filed in Cherokee case D. 651, Charles Owen, et al".

The order directing these affidavits and certificates to be filed was not, however, transmitted. As they are not such documents as it has been the practice of the Commission to accept in applications for enrollment, I request that a copy of the order referred to be transmitted to be filed with these papers.

Respectfully,

WH

Commissioner in Charge
Cherokee Land Office.

Cherokee D-651.

COPY.

Muskogee, Indian Territory, July 27, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed you, herewith, a copy of supplemental testimony of July 20, 1905, taken in the matter of the application for the enrollment of Charles Owen, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

Tams Bixby

Commissioner.

Incl. 8-15.

Cherokee D-851.

COPY.

Muskogee, Indian Territory, July 28, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed you, herewith, copy of supplemental testimony of July 28, 1905, taken in the matter of the application for enrollment, as citizens by blood of the Cherokee Nation, of Charles Owen, et al.

Respectfully,

Tams Bixby

Commissioner.

LC
Incl. 3-28

Cherokee
D 651

COPY.

Muskogee, Indian Territory, August 28, 1905

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony of August 24, 1905, in the matter of the application for the enrollment as citizens of the Cherokee Nation, of Charles and Owen Owen.

Respectfully,

Tams Bixby
Commissioner

2 Incl.-P-33

COPY.

Cherokee
D 661

Muskogee, Indian Territory, August 28, 1905

Robert L. Owen,

Attorney for Charles Owen, et al.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony of August 24, 1905, in the matter of the application for the enrollment as citizens of the Cherokee Nation of Charles and Owen Owen, together with a receipt for same, which you will please sign and return to this office.

Respectfully,

James Dixby

Commissioner

COPY.

Cherokee D-651.

Muskogee, Indian Territory, August 29, 1905.

Charles Owen,

c/o Robert L. Owen,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony of August 24, 1905, in the matter of your application for the enrollment of yourself and brother, Owen Owen, as citizens of the Cherokee nation, together with a receipt for same, which you will please sign and return to this office.

Respectfully,

James Tibby

Commissioner.

LMT
Incl. R-62 1/2.

COPY.

Muskogee, Indian Territory, October 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Charles Owen, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision dated October 31, 1906, rejecting said application.

Respectfully,

Tams Bixby

Commissioner.

Incl. 9-38

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee D 651.

Muskogee, Indian Territory, October 31, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the application for the enrollment of Charles and Owen Owen as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby

Commissioner.

COPY.

Cherokee D 651.

Muskogee, Indian Territory, October 31, 1905.

Charles Owen,

Caney, Kansas.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting your application for the enrollment of yourself and your brother, Owen Owen, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

[redacted]

Commissioner.

Incl. 9-34
Register

Cherokee R-785-

R-941-D-651.

Muskogee, Indian Territory, July 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

By the Act of Congress approved June 21, 1906 (Public No. 258), it was provided:

"That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of . . . . Alice Owen and her children, to the final roll of the citizens by blood of the Cherokee tribe, the said persons being . . . . . Cherokee Indians by blood, whose names, through neglect on their part or on the part of their parents, have been omitted from the tribal rolls: Provided, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior."

You will be allowed fifteen days from date hereof within which to file protest against the enrollment of Alice Owen and her children as citizens of the Cherokee Nation. If you fail to file protest within the time allowed the names of Alice Owen and her children will be included in a schedule of citizens of the Cherokee Nation and forwarded to the Secretary of the Interior for approval.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, October 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of August 31, 1906 (I.T.D. 9102-1906), referring to the Act of Congress approved June 21, 1906 (Public No. 258), relative to the names of Alice Owen and her children being added to the roll of citizens by blood of the Cherokee Nation, and inclosing papers in the case of Charles Owen for himself and his brother, Owen Owen, which were transmitted to the Department with this office letter of October 31, 1905.

This office is instructed to advise the Attorney for the Cherokee Nation that he will be allowed fifteen days from notice within which to file such protest as he may desire to make against the enrollment of Charles Owen and Owen Owen, children of Alice Owen, after which time this office is directed to readjudicate the case.

In reply you are respectfully advised that under date of July 19, 1906, this office, calling attention to the provisions of the Act of Congress approved June 21, 1906, relative

to the enrollment as citizens of the Cherokee Nation of Alice Owen and children, advised the Attorney for the Cherokee Nation that he would be allowed fifteen days from date to make such protest as he desired against the enrollment of Alice Owen and children as citizens of the Cherokee Nation. Under date of July 24, 1906, said Attorney protested against the enrollment of Alice Owen and her children, and stated that his protest "is intended to be a protest against all included within the provisions of the Act of Congress hereinabove quoted." A copy of the Nation's protest is inclosed herewith.

In view of this protest by the Attorney for the Cherokee Nation, it is considered that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the application for the enrollment of Charles Owen and Owen Owen as citizens by blood of the Cherokee Nation should be, and the same is, hereby affirmed.

The record in the case is returned herewith.

Respectfully,

Commissioner.

Incl. E-10.
GMC

Through the Commissioner
of Indian Affairs.

Cherokee
D 661.

Muskogee, Indian Territory, October 4, 1906.

Charles Owen,

Caney, Kansas.

Dear Sir:

There is inclosed herewith a copy of Departmental letter of August 31, 1906, referring to the Act of Congress approved June 21, 1906 (Public No. 258), relative to the names of Alice Owen and her children being added to the roll of citizens by blood of the Cherokee Nation.

This office is instructed to advise the Attorney for the Cherokee Nation that he will be allowed fifteen days from notice within which to file such protest as he may desire to make against the enrollment of yourself and brother, Owen Owen, you being children of Alice Owen, after which time this office is instructed to readjudicate your case. There is also inclosed a copy of the protest of the Cherokee Nation, dated July 24, 1906, against the enrollment of Alice Owen and all her children included within the provisions of the Act of Congress above noted.

You are advised that the record of proceedings had in connection with your case has this day been returned to the

Secretary of the Interior, and the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting your application for the enrollment of yourself and brother, Owen Owen, affirmed.

Respectfully,

Commissioner.

Incl. CL-11.
GHL

Cherokee
D 651

Muskogee, Indian Territory, October 4, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of Departmental letter of August 31, 1906, referring to the provision of the Act of Congress approved June 21, 1906 (Public No. 258), authorizing that the names of Alice Owen and children be added to the roll of citizens of the Cherokee Nation, and in which this office is instructed to allow you fifteen days from date in which to offer such protest as you desire to make against the enrollment of Charles and Owen Owen, children of Alice Owen, as citizens by blood of the Cherokee Nation.

In view of your protest of July 24, 1906, against the enrollment of Alice Owen and her children as citizens of the Cherokee Nation the record of proceedings had in

the case of Charles Owen et al., together with a copy of your protest has this day been transmitted to the Department with the recommendation that the decision of the Commissioner to the Five Civilized Tribes dated October 31, 1905, rejecting the application for the enrollment of Charles and Owen Owen as citizens by blood of the Cherokee Nation, be affirmed.

Respectfully,

Commissioner

L M P

Encl. R-82

(COPY)

D.C.39283

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

J.P.

I.T.D.9102-1906.

August 31, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

You are authorized by the act of Congress of June 21, 1906 (Public No. 258), to add the names of "Alice Owen and her children to the final roll of the citizens by blood of the Cherokee tribe " provided that the enrollment by you of such persons shall not be objected to by the Cherokee Nation, "and shall be approved by the Secretary of the Interior."

In view of such provision, the papers in the case of Charles Owen, for himself and his brother, Owen Owen, received with your letter of October 31, 1905, are inclosed. You are authorized to advise the attorney for the Cherokee Nation that he will be allowed fifteen days from such notice within which to file such protest as he may desire to make against the enrollment of the applicants, children of Alice Owen, after which time you will proceed to readjudicate the case.

A copy of Indian Office letter of May 18, 1906 (Land 66450-1906), in which it is recommended that your decision, adverse to the applicants, be affirmed, is inclosed.

Respectfully,
Jesse E. Wilson

Through the Commissioner
of Indian Affairs.

Assistant Secretary.

3 inclosures.

(COPY) COPY

LAND
88450-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 31, 1906, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Charles Owen for himself and his brother Owen Owen.

October 31, 1905, the Commissioner decided adversely to the applicants.

The record shows that the applicants are sons of Alice L. Owen, that they, together with their mother and others of the family were admitted to citizenship in the Cherokee Nation by the proper authorities on January 31, 1881, and that the applicants are identified on the 1894 Cherokee Strip payment roll. It further appears that the applicants were respectively 30 and 29 years of age at the date of their application for enrollment and that neither applicant located permanently in the Cherokee Nation prior to June 4, 1903.

In view of the record and of Sec. 21 of the act of June 2nd, 1898 30 Stats., 495) the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner.

MMW
G

Indexed.

Commissioner To Five Tribes

No. 31280 Received Jul 24 1906

Cher D 651
Chas Owen et al

Hastings, W.W.,
Muskogee, I.T.
July 24, 1906.

Protests against enrollment of
Alice L. Owen et al.

Office of
ATTORNEY FOR THE CHEROKEE NATION,
Muskogee, I. T.

D.C.31250

July 24, 1906.

Tams Bixby,

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of your communication of July 17, 1906, advising me of the provision of the Act of Congress approved June 21, 1906 (Public No. 258), which in part provides as follows:

"That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of.....Alice Owen and her children to the final roll of the citizens by blood of the Cherokee tribe, the said persons being.....Cherokee Indians by blood whose names, through neglect on their part or on the part of their parents, have been omitted from the tribal rolls: Provided, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes and shall be approved by the Secretary of the Interior,"

and I am also advised that fifteen days from the date thereof will be allowed within which to file protest against the enrollment of the said Alice Owen and her children as citizens of the Cherokee Nation, and in the event that no protest is filed that their names would be included in a schedule of citizens of the Cherokee Nation and forwarded to the Secretary of the Interior for approval.

In view of the fact that this case has been pending before the Department for a number of years, and in view of the fact that the Assistant Attorney General for the Department of the Interior has twice rendered an opinion, first on June 19, 1903 (I.T.D.3443,4113-1904), and second on June 14, 1904(I.T.D.4414-1904), wherein the Assistant Attorney General holds that the said Alice L. Owen and her

daughters, Jane and Alice, are not entitled to be enrolled as citizens of the Cherokee Nation by blood and adheres to his former opinion rendered on June 15, 1905, I do not deem it necessary to go into details in discussing this case. The testimony shows that Alice L. Owen, the principal applicant, went to the State of Virginia prior to or about the beginning of the Civil War, where she was married, where all of her children were born, and where she has continuously resided up to and including the present time.

For the reasons stated in the opinions of the Assistant Attorney General for the Department of the Interior and the reasons of the Commission to the Five Civilized Tribes, and because of the non-residence of the applicants, on behalf of the Cherokee Nation I desire to protest against the enrollment of Alice L. Owen and her children, and this protest is intended to be a protest against all included within the provisions of the Act of Congress hereinabove quoted.

Respectfully submitted,

(SIGNED) W. W. Hastings,

National Attorney, Cherokee Nation.

Cherokee D651

COPY

Muskogee, Indian Territory, March 22, 1907.

Charles Owen,

Ganey, Kansas.

Dear Sir:

You are hereby advised that the application for the enrollmentof your self and brother, Owen Owen, as citizens by blood of the Cherokee Nation, was denied by the Secretary of the Interior, March 4,1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SGNC Tams Bixby.

Commissioner.

Wme I-430

KPI

Cherokee D651

COPY

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Charles and Owen Owen as citizens by blood of the Cherokee Nation, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

[redacted]

Commissioner.

[redacted] L-629

EPI

J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. FHM.

D.C.13384-1907.
I.T.D.9102-1906.

March 4, 1907.

LRS.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the opinion of the Attorney-General in the matter of the application of Alice Owen, et al., for enrollment as citizens of the Cherokee Nation, you are advised that your decision of October 31, 1906, adverse to Charles Owen and Owen Owen, is affirmed. The papers in that case were before the Attorney-General when he rendered his opinion.

May 18, 1906, the Indian Office submitted the case and recommended that your decision be concurred in.

The papers in regard to this case and the Alice Owen et al, case, have been returned to the Indian Office.

This matter was informally submitted to the Assistant Attorney-General on this day, and the opinion was expressed that Charles Owen and Owen Owen are not entitled to enrollment.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

50 Inclosures for
Ind. Off. with copy hereof.
W.C.J. 3/4/07.

Cher R 1143

Trans from Cher D661

Cher R 1143

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1900

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 22 1900 1900.

38 Name Robert B. Harris Colonial 7

District COOWEESCOOWEE. Year 1896 Page 308 No. 1160

Citizen by blood Md Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Wife's name Mary F. Harris

District COOWEESCOOWEE. Year 1896 Page 152 No. 2120

Citizen by blood Yes Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Names of Children

1. [illegible]	Dist. COOWEESCOOWEE.	Year 1896	Page 152	No.	Age 12
2. [illegible]	Dist. COOWEESCOOWEE.	Year 1896	Page 152	No.	Age 7
3. [illegible]	Dist. COOWEESCOOWEE.	Year 1896	Page 152	No.	Age
4. [illegible]	Dist.	Year	Page	No.	Age
5. William [illegible]	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Claremore, I. T. October 22d, 1900.

In the matter of the application of Robert B. Harris, for the enrollment of himself, wife and children as Cherokee Citizens. He being sworn testified before the Commission as follows:

Q What is your name? A Robert B. Harris.
Q What is your age? A 28
Q What is your post office address? A Oolagah.
Q What district do you live in? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply? A Myself, wife and children.
Q What is the name of your wife? A Martha L.
Q Have you a certificate of marriage to her? A Yes sir.
Applicant presents a duly authenticated marriage license authorizing marriage between himself and Martha Harris, nee Locker in 1895, but presents no certificate of marriage.
Applicant also presents a certified copy of an act to re-admit to citizenship certain persons named in said act, and among others the name of Marguerite S. Locker appears. Said act being approved by William P. Ross, Principal Chief on the 22d of November, 1892, and the correctness of the copy being certified to by Wm. H. Mayes Asst. Executive Sect. of the Cherokee Nation on the 11th of April, 1893 under the great seal of the Cherokee Nation.
Q Your wife's name before you married her was Martha Locker was it? A Yes sir.
Q What are the names of your children? A Charles, age 17, Johnnie Anna age 9, Robert P., age 7, Mollie M., age 3, William M. age 9 months.
Q Have you any proof of birth as to these two youngest children? A Yes sir.
Applicant presents satisfactory proof of birth as to the children Mollie M. and William M.
Q When were you married? A August, 16th 1895.
Q Is the Martha Locker named in this certified copy the identical person that you now make application for as your wife? A Yes sir.
Q I notice that your wife was admitted to citizenship in 1892 but her name does not appear on the authenticated roll of 1880 why is this? A Her parents carried her off to Texas and they both died there.
Q Were they living here in 1892? A Yes sir.
Q Where was your wife born? A Cannot say.
Q You married her first in Texas? A Yes sir.
Q When? A In 1895.
Q When did you remove to the Cherokee Nation? A In 1897.
Q And married according to the laws of the Cherokee Nation in 1895.
A Yes sir.
Q What is the date of the birth of Charles, your eldest child? A December 27th, 1883.
Q What was the birth of Johnnie Anna's birth? A In 1890 some time.
Q When was Robert P. born? A January 1893.
Q Where was Charles born? A In Texas.
Q Where was Johnnie Anna born? A In Texas.
Q Where was Robert born? A In this country.
Q You say your wife moved with you to the territory in 1897 a few did not we went back again and lived awhile before we came here again.

2--Robert B. Harris.

Q When did you come here to permanently reside? A In 1892.
Q Were you residing here permanently in 1898? A Yes sir.

By Baugh, Cherokee Representative:

Comes the Cherokee Nation through its attorney and claims these these persons removed to the State of Texas after their re-admission in 1872 and that applicant married his wife and lived then in the State of Texas until 1892 and that she was never re-admitted as the second section of Article I of the Constitution of the Cherokee Nation provides.

By the Commission:

Q These children were living with you at this time? A yes sir.
Q Have you and your wife lived continuously since 1892 in the Cherokee Nation? A Yes sir.

1896 roll, page	306	No. 464,	Robert B. Harris, Coowescoowee
1896	183	2421,	Charles H. Harris "
1896	183	2420,	Martha L. Harris, "
1896	183	2423,	John A. Harris, "
1896	183	2424,	Robert P. Harris, "

The name of Robert Harris appears on the census roll of 1896. He applies for the enrollment of himself, wife and 5 children. He avers that he was married to Martha Locker on the 16th of August 1893, but presents no certificate or marriage; presents a marriage license but there is no certificate of marriage attached. His name is on the 1896 census roll and the name of his wife is also found on the 1896 roll. The names of their children, Charles, Charles, Jennie Ann, and Robert P. Harris appear on the census roll of 1896, and satisfactory proof is offered as to the birth of the two youngest children, Nellie M. and William M. Harris, born since the roll of 1896 was compiled. He presents a certified copy of an act admitting among others his wife, Martha Locker in 1872. Her name is not upon the 1880 authenticated roll. He avers that the parents of his wife Martha, removed her to the State of Texas where he married her according to the laws of Texas, afterwards being re-married according to the laws of the Cherokee Nation as he avers. He also avers that he removed with his family and took up a permanent residence in the Cherokee Nation in 1892 and has lived here ever since. Now comes the Cherokee Nation through its representative Mr. Baugh and protests against the enrollment of applicant, also wife and children because of the fact that they were never re-admitted to citizenship after their removal back in 1892 as provided by Section 2 of Article 1 of the Cherokee Constitution, consequently the final judgment as to the enrollment of applicant, his wife and children, will be suspended and their names will be placed on a doubtful card.

Chas. Von Tolce being sworn states that as stenographer to the Commission to Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes in said proceedings.

Chas. Von Tolce

Subscribed and sworn to before me this 22nd of October, 1902

T. B. Needles.
Commissioner.

1994

"R"

Cherokee D 661

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL TESTIMONY in the matter of the application of Robert B. Harris for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:
Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

BIDIPHER NICHOLSON, being first duly sworn and being examined testified as follows:
BY COMMISSION:
Q What is your name? A Bidipher Nicholson.
Q How old are you? A 50 years old.
Q What is your post-office address? A Talala.
BY MR. HASTINGS:
Q How long have you known this man's wife? A Ever since she was a little baby, ever since she was born.
Q Where did you know her? A In Texas.
Q You didn't know her up here? A Yes, I knowed her here for the last 16 years or 17 years.
Q You have not known her here for 16 or 17 ? A Yes, I knowed her mother before she was born.
Q Well but this woman has not been up here 16 or 17 years? A She has been off and on here, she has not been here all the time; her parents come here in '7 .
Q Well I know, but they went back to Texas? A Well they come back again; they traveled a good deal for her mother's health.
Q Her mother an invalid? A Yes sir.
Q You knew them in Texas before they came up here? A Yes sir.
Q When did you first come to the Territory? A I came here in 1884, came here in '83 first and come back in 1884. In 1884 I moved my effects here.
Q Yes Were they here in1884 when you came? A They didn't come, no, the children, her mother died in Texas, they thought they would move back and before we come and she died.
Q You know whether she was married to this man? A Yes I know where she was married, in Texas.
WITNESS EXAMINED BY APPLICANT:
Q Well when they went to Texas there were they children of age, this woman Martha L.? A No she was small.
Q Or R.M. or Nellie? A No, they were all small.
Q When did Martha L. come back here? A That is your wife?
Q Yes. A I don't know what year it was; she never come back here at all any more until after her mother died until after we moved here.
Q When did you come here? A I came in 1883, 1884, it must have been 1884.
BY COMMISSION:
Q How long after you came was it? A 2 years, in 1886.
BY APPLICANT:
Q Was it '86 or '87? A Well now maybe it was '87; it was not a great while, it was '86 or '87, '87 I guess.
Q When did R.M Locker come back? A He came in 1888.
Q And when did Nellie come? A Well she came when you did, that was in '86 wasn't it; it seems to me it was '86, it was about that time anyway; I must be positive as to the time.
Q Well did Martha L. leave the Territory since you came back in '86 or '87? A Why yes all went back there and stayed awhile; it seems to me after that and stored a while; she left some of her effects here, and came back.
Q Come back about what year? A I will have to study a little as to that about your time; it was in '88 she left, I think or '89, she went down there; it must have been '88 , '89 or '9.

Q Well has she resided here ever since? A Yes, you have resided here ever since.
Q R.M.Locker always, has he been residing here continuously, ever since 1885? A He has made this his home ever since; he come out here in 1885, stayed with me quite a while; Nellie has made this her home continually; she went to school awhile at the orphan asylum; she never been out over six months at a time as I knew of; she went to see you all in Texas.

BY MR. HASTINGS:

Q Whats did you say this man's wife's mother's name was? A Martha L. Locker, was her name before he married her.

BY COMMISSION: There is offered in evidence an act of the Cherokee National Council showing that Martha Locker and others were re-admitted to citizenship in the Cherokee Nation on the 22nd day of November,1872; and same is filed herewith.

There is also offered in evidence a certified copy showing that a license was issued to R.B.Harris, a citizen of the Cherokee Nation and Mrs. Martha Harris, nee Locker, a citizen of the Cherokee Nation, by Joe M. Lahay, clerk of Coowescoowee District, Cherokee Nation, on the 15th day of August,1895, and a certificate showing that they were married on the 16th day of August,1895, in accordance with license aforesaid, by Ed Sunday, Mayor of the City of Oclagah; and same is filed herewith.

I,M.T.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

_____

Supl. C. D. #661.

Departmentof the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of NELLIE M. POLSON, et al, D-660, and also ROBERT B. HARRIS, et al, D.661, as citizens of the Cherokee Nation; Introduced on part of the applicants.

William M. Polson was notified by registered letter February 15, 1902, that his application for the enrollment of his wife and children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the said William M. Polson this day, to-wit: the 6th day of March, 1902, appears in person.

Robert B. Harris was notified by registered letter February 15, 1902, this his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the said Robert B. Harris this day appears in person.

Mr. W. W. Hastings, Cherokee representative, present.

Commission: The following Act of the Cherokee National Council is offered in evidence and made a part of the record in the case of Robert B. Harris:

"An Act to readmit to citizenship the persons therein named. Be it enacted by the National Council that Margaret S. Looker, Martha Looker, R. M. Looker, L. D. Looker, and Nancy B. Beaty, Cherokees, be and they are hereby readmitted to the rights and privileges of Cherokee citizenship.

Tahlequah, C. N.
Nov. 22, 1872.
Approved
Will P. Ross,
Principal Chief.

I, W. H. Hayes, Asst. Sec. Beaty, do hereby certify that the above is a true and correct copy of the law as appears on the record in this office.

W. H. Hayes,
Asst. Sec. Beaty.

April 11th, 1902.

ROBERT B. HARRIS, being duly sworn, testified as follows on part of applicants:

Q What is your name? A Robert B. Harris.
Q How old are you? A 41.
Q What is your post office? A Cologah, I. T.
Q You are an applicant before the Commission for the enrollment of yourself, your wife and children as citizens of the Cherokee Nation? A Yes sir.

WILLIAM M. POLSON, being duly sworn, testified as follows on part of applicants:

COMMISSION:

Q What is your name? A William M. Polson.
Q How old are you? A 32.
Q What is your post office address? A Oolagah.
Q Are you the husband of Nellie Polson and the father of her children who are applicants before the Commission for enrollment as citizens of the Cherokee Nation? A Yes sir.

RICHARD M. LOCKER, being duly sworn, testified as follows on part of the applicants;

BY ROBERT R. HARRIS:

Q What is your name? A Richard M. Looker.
Q What year was Nellie Looker born; she don't appear on the readmission there of 1872, the rest of the family was readmitted?
A I don't remember just what year she was born, been, born '73, I think, best of my knowledge that is when she was born.
Q She was born after the rest of the family was readmitted?
A Yes.
Q And when did she come back? A Come back here in 1887.

MR. HASTINGS:

Q Where was she born? A She was born there east of Gibson.
Q Fort Gibson? A Fort Gibson.
Q Tahlequah District? A Why I suppose it is; I don't know what district that is, but then that is my understanding.
Q Were you over there? A Yes sir.
Q How old was she when she was taken back to Texas, about when did they go back to Texas? A I don't know just when, but I think it was about '78 or '78, '9.

MR. POLSON:

Q Did your mother die there, Margaret S. Locker die there?
A Yes sir.
Q About what year did she die? A She died I guess '79.

WILLIAM M. POLSON, recalled, further testified:

MR. HASTINGS:

Q What is your name? A William Martin Polson.
Q How long have you been acquainted with your wife? A Well, sir, I guess I have been acquainted with her about nine years.
Q Where did you marry? A Married at Oolagah.
Q You have been living there since that time? A Yes sir.
Q You know that she is a sister of this man Locker? A Yes sir.
Q Sister of this man Harris's wife? A Yes sir, that is my understanding.
Q You have only known her though for the past nine years?
A Yes sir.
Q How long have you been married? A Been married six years 13th of March.

Mr. Harris When Nellie Polson's parents died, that is her father, I didn't know her mother, she died before I knew her mother, her father died in 1884, and I brought her to the country with me a little child, she was seven years old, I believe she was nine years old, I taken her and brought her to the country and put her in the Orphan Asylum up here, Orphan School and she stayed there until she became of age, and she has been here ever since.

Commission of Robert R. Harris

Q Where were you married to your wife? A I was married in Texas first.
Q What time was that? A That was in '83

Q Did you know her for any length of time prior to your marriage?
A No sir.
Q How soon did you come back to the Cherokee Nation?
A Come in 1887.
Q Did you bring Nellie Polson with you at that time? A Yes sir.
Q Have you and she been living here ever since that time, that is, you and your wife and Nellie Polson? A Yes sir, I was out for a year and a half or two years, but I left improvements here when I went away, dodn't go away to stay.
Q When was it you went away? A '88 or '9. I went away; '89, I suppose.
Q Since your marriage to your wife under Cherokee law have you ever exercised the right of suffrage in any state or territory?
A No sir.
Q Your wife was admitted to citizenship when? A '72.
Q Where was she living at that time? A I don't know that, I suppose here about Fort Gibson though.
Q She was living in Texas when you married her? A MYes sir.
Q You don't know how long she had been living there? A No sir.
Q Is there any statement you desire to make relative to your application? A No sir, I believe not.

Commission of Mr. Polson:
Q Do you desire to make any statement relative to the enrollment of your wife? A No sir, Mr. Hastings there went to school with my wife, up until she was of age.
Q Do you in behalf of your wife and children submit the case to the Commission for final consideration? A Yes sir.

Commission to Mr. Harris:
Q Do you in behalf of your wife and children submit the case to the Commission for final consideration? A Yes sir.

Commission to Mr. Polson:
Q It appears upon an examination of the testimony when the original application was made that in answer to the question that was the name of your wife, you answered Minnie, was that answer correct, is your wife's correct name Minnie? A No sir, it is Nellie.

Commission: It appears that when the applicant presented his original marriage license and certificate to the Commission at Claremore on the 22d day of October, the examining official stated "applicant presents a duly authenticated marriage license and certificate certifying that he was married to one Miss Minnie Locker, a citizen of the Cherokee Nation, on the 12th day of March, 1896." An examination of the license filed herewith shows that the applicant was married to Miss Nellie Locker, a citizen of the Cherokee Nation, on the 12th day of March, 1896.

Robert D. Harris in behalf of himself, wife and children, and William M. Polson in behalf of his wife and children and the attorney for the Cherokee nation in behalf of the Nation submit the cases to the Commission. The same are ordered closed and reported to the Commission for final decisions based upon the evidence now of record.

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly reported the proceeding had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. S. Reese,
Stenographer.

I, Wm. Hutchinson, being first duly sworn, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I copied the above and foregoing, and that same is a true and complete copy of the original transcript.

Wm Hutchinson

Subscribed and sworn to before me this 12th day of December, 1908.

[illegible]

1912

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of Robert B. Harris for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife Martha L. Harris and his children Charles, Johnnie A., Robert P., Nellie M. and William M. Harris as citizens by blood of the Cherokee Nation.

Supplemental to D-661.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

ROBERT B. HARRIS, being duly sworn, testified as follows:--

Examination by the Commission.

Q. What is your name, Mr. Harris? A. Robert B.
Q. What is your age at this time? A. 41.
Q. What is your post office? A. Oolagah.
Q. Are you the same Robert B. Harris who made application to the Commission on October 22nd, 1900, for enrollment as citizen by intermarriage? A. Yes, sir.
Q. What is your wife's name? A. Martha L.
Q. Is she a citizen by blood of the Cherokee Nation? A. Yes, sir.
Q. When were you and she married? A. Married, it is--married under the Cherokee law in August, 1895.
Q. Did you have a license, Cherokee license? A. Yes, sir.
Q. Have you filed that with your application? A. Yes, sir.
Q. You were married to her previous to that under the state law? A. Yes, sir.
Q. Where? A. Texas.
Q. Have you and your wife lived together ever since your first marriage as husband and wife? A. Yes, sir.
Q. Up to the present time? A. Yes, sir.
Q. Living together now? A. Yes, sir.
Q. Were you ever married prior to your marriage to her? A. No, sir.
Q. Was she ever married prior to her marriage to you? A. No, sir.
Q. You are her first husband? A. Yes, sir.
Q. She is your first wife? A. Yes, sir.
Q. You say you were married to her in Texas? A. Yes, sir.
Q. When did you come to the territory? A. In 1887.
Q. Have you and your wife resided in the Cherokee nation ever since 1887 until now? A. Ever since 1893.
Q. Was your wife readmitted after she came to the Cherokee Nation? A. No, sir.
Q. She was never readmitted? A. No, sir.
Q. How long did she live in Texas? A. I don't know how long she lived there. I didn't have her all the time.
Q. Were you married in 1887 the first time? A. Yes, sir. No. I was married in 1895 the first time.
Q. She was living in Texas when you married her? A. Well, she was there. Her parents had died. She was a minor when I married her.
Q. What was her father's name? A. William Lesley.
Q. Mother's name? A. Margaret E. Lesley.
Q. Both of her parents lived in Texas? A. Yes, sir.
Q. She was there when you married her? A. Yes, sir. Her brothers and sister here.
Q. When did you come to the Cherokee Nation? A. 1887.
Q. How long did you stay in 1887? A. Stayed until 1889 and went

back and wound up some business. Came back in 1892.
Q. Your wife never made application to the Cherokee Council for readmission? A. Yes, sir. She made application and they said it wasn't necessary; she could come back under the minor class.
Q. She was a minor when you married. How old was she when she came back? A. Something like 22.
Q. The fact is she was never readmitted? A. No, sir.
Q. Have you and her lived together as husband and wife in the Cherokee Nation continuously since 1892 until the present time?
A. Yes, sir.
Q. Living together on the first day of September, 1902?
A. Yes, sir.
Q. Is your wife Martha L. and your children Charles, Johnnie A., Robert P., Nellie M. and William M. all living at this time?
A. Yes, sir.
Q. And living at home with you? A. Yes, sir.
Q. These children have all lived in the territory since 1892 except those born since and they have lived here all their lives?
A. Yes, sir.

Jesse O. Carr, being first duly sworn, statesthat as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of October, 1902.

Notary Public.

Cherokee D-661.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
--oOo--

In the matter of the application of Robert B. Harris for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Martha L. Harris, and his minor children, Charles, Johnnie A., Robert P., Nellie M. and William M. Harris, as citizens by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that on October 22, 1900, Robert B. Harris appeared before the Commission at Claremore, Indian Territory, and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Martha L. Harris, and his minor children, Charles, Johnnie A., Robert P., Nellie M. and William M. Harris, as citizens by blood of the Cherokee Nation. Further proceedings were had at Muskogee, Indian Territory, on March 5, 1902, on March 6, 1902, and again on September 26, 1902.

The evidence shows that Martha L. Harris, under the name of Martha Locker, was admitted to citizenship in the Cherokee Nation on November 22, 1872. She was married on August 16, 1895, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to the principal applicant, Robert B. Harris. The above named children are the issue of that marriage. Robert B. Harris and his wife, Martha L. Harris, and their three older children are identified on the Cherokee Census Roll of 1896. Nellie M. and William M. Harris are identified by birth affidavits on file with this Commission.

The evidence further shows that said Robert B. Harris and his wife, Martha L. Harris, have resided together in the Cherokee Nation continuously since 1892 up to and including September 1, 1902. The residence of the minor children is considered to be the same as that of their parents.

It is, therefore, the opinion of this Commission that Robert B. Harris should be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Martha L. Harris, Charles Harris, Johnnie A. Harris, Robert P. Harris, Nellie M. Harris and William M. Harris should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Kelly Harrison.
Commissioner.

Commissioner.

Muskogee, Indian Territory,
Date

An Act to readmit to citizenship the persons therein named.

Be it enacted by the National Council-- That Margaret S. Looker, Martha Looker, R. M. Looker, L. D. Looker and Nancy M. Beaty, Cherokees, by and they are hereby readmitted to the rights and privilages of Cherokee Citizenship.

Tahlequah, C. N.

Nov. 22, 1872.

Approved:

Will P. Ross,

Principal Chief.

I, W. H. Mayes, Asst. Ex. Secty. do hereby certify the above is a true and correct copy of the law as appe ars on the records in this office.

W. H. Mayes,

April 11th, 1893. Asst. Executive Secty. (SEAL)

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 13, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of said Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

[redacted]

Subscribed and sworn to before me this 13th day of December, 1902.

[redacted]

[redacted] Marsh (Nee Looker) a citizen of the Cherokee Nation according to the usual customs and laws of the Cherokee Nation and [redacted] required to return this license to me for record within thirty days from the celebration of such marriage with a certificate of [redacted] appended thereto and signed by You.

Given under my hand and seal of office this the 15th day of August A.D. 1895.

Jos M.LaHay Clerk.
Coowescoowee District, C.N.

Petition signed by the following citizens.

J.Bean
[redacted] Price
[redacted] Fabrick
[redacted]
[redacted]
Ed.Sunday

John Kirk
C.V.Rogers
Wm.S.Smith,
Wm.Cordry
D.C.Price
W.J.Walker.

Recorded this 16th Sept.1895.

Jos M.LaHay.Clerk,
Coo.Dist.C.N.

Colagah I.T.

I do hereby certify that on the 16 day of August 1895 I did duly and according to law, as commanded in the foregoing License, [redacted] the rites of matrimony between the Parties [redacted]

Given under my hand and seal this 16 day of August 1895.

Ed.Sunday,
Upper City Colagah, I.T.
{ seal }

[redacted]

[redacted] Nation.

I.T.

[redacted] Assistant Executive secretary of [redacted] do hereby certify that the foregoing is a true [redacted] record of Coowescoowee District [redacted] in my custody.

[redacted] the seal of the Cherokee Nation this the [redacted] day of [redacted] 1895.

B.W.Alberty
Assistant Executive secretary,
Cherokee Nation.

Cherokee Nation I.T.

Coowescoowee District.

To any person legally authorized to to solemnize marriage ,Greeting: You are hereby authorized to join in the holy bonds of matrimony and to celebrate the rites and ceremonies of marriage between Mr. R.B.Harris a citizen of the United States and Mrs. Martha Harris (Nee Locker) a citizen of the Cherokee Nation according to the usual customs and laws of the Cherokee Nation and You are required to return this license to me for record within thirty days from the celebration of such marriage with a certificate of the same appended thereto and signed by You.

Given under my hand and seal of office this the 15th day of August A.D. 1895.

Joe M.LaHay,Clerk.
Coowescoowee District, C.N.

Petition signed by the following citizens.

T.Bean
Geo.M.Price
M.K.Patrick
J.Kimbrough
F.E.Canada
Ed.Sunday
John Kirk
C.V.Rogers
Wm.C.Smith,
Wm.Cordry
D.C.Price
W.J.Walker.

Recorded this 16th Sept.1895.

Joe M.Lahay,Clerk,
Coo.Dist.C.N.

Oolagah I.T.

I do hereby certify that on the 16 day of August 1895 I did duly and according to law ,as commanded in the foregoing license,solemnize the rites of matrimony between the Parties therein named.

Witness my hand and seal this 16 day of August 1895.

Ed.Sunday.

Mayor City Oolagah, I.T.

{ seal }

Witness,
[illegible]
Ed.Sunday.

[redacted]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1900

MARRIAGE LICENSE.

Cherokee Nation, I. T.
Tahlequah District.

TO ANY PERSON LEGALLY AUTHORIZED TO SOLEMNIZE MARRIAGE GREETING:

You are hereby authorized to join in the holy bonds of matrimony and to celebrate the rites and ceremonies of Marriage between

R. B. Harris Jr. a citizen of the United States and

Martha J. Harris nee Tacker a citizen of the Cherokee Nation,

A. D. 1890.

Recorded in book [illegible] of Marriage Records of Cooweescoowee District, Page [illegible]

D.C.No.23147-1903. W.C.P.
RAY.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD.1444-1903. August 15, 1903.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On December 13, 1902, you transmitted the record in the matter of the application of Robert B. Harris for enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for enrollment of his wife, Martha L. Harris, and his minor children, Charles, Johnnie A., Robert F., Nellie M. and William M. Harris, as citizens by blood of the Cherokee Nation.

It appears that November 22, 1872, Martha L. Harris, under the name of Martha Locker, together with her mother, Margaret S. Locker, and R. H. Locker, L. D. Locker, and Nancy H. Beaty, was admitted to citizenship in the Cherokee Nation, and that at that time the said Martha L. Harris was a minor; that about three years later she was taken by her parents to the State of Texas, where she was married to her husband, Robert B. Harris, in the year 1881; that they removed to the Cherokee Nation in 1898, and in 1899 were remarried under a Cherokee marriage license and in accordance with Cherokee law. The minor applicants herein are the result of said union. Charles,

Johnnie A. and Robert P. Harris were born prior to the remarriage under the Cherokee laws, Charles and Johnnie A. being born in Texas, and Robert P. born in the Cherokee Nation. Nellie M. and William H. were born in the Cherokee Nation subsequent to the remarriage under the Cherokee law. All the applicants herein are identified on the Cherokee census roll of 1896, except Nellie M. and William M. Harris who were born subsequent to the making of said roll.

By decision dated November 20, 1902, you held that the applicants are entitled to be enrolled as citizens of the Cherokee Nation.

The attorney for the Cherokee Nation protests against your decision, claiming that under article 1, section 2 of the Cherokee Constitution, which provides that -

"Whenever any citizen shall remove with his effects out of the limits of this Nation and become a citizen of any other government all his rights and privileges as a citizen of this Nation shall cease,"-

the said Martha L. Harris lost her rights in the Cherokee Nation by her removal to the State of Texas.

Reporting February 11, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

Under section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), the Commission to the Five Civilized Tribes is authorized and directed to enroll

"..... all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

Inasmuch as Martha L. Harris was a minor at the time her mother, Margaret S. Locker, was admitted as a citizen by blood of the Cherokee Nation, and as the said Martha L. Harris removed to and in good faith settled in said nation in 1892, and is identified on the 1896 Cherokee census roll, the Department is of the opinion that she comes within the provisions of section 21 of the act of June 28, 1898, supra, and is therefore entitled to be enrolled as a Cherokee citizen.

The Department affirms your decision as to Martha L., Charles, Johnnie A., Robert P., Nellie M. and William M. Harris. The rights of the applicant, Robert E. Harris, who claims as an intermarried citizen of the Cherokee Nation, will not be adjudicated by the Department at the present time, but will await the decision of the Court of Claims upon the question submitted by the Department to said court February 24, 1903, relative to the rights of intermarried Cherokee citizens.

-4-

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(SIGNED) E. V. Miller,

Acting Secretary.

1 inclosure.

Refer in reply to the following:
Land
74935--1902.

(copy)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, FEB. 11, 1903

The Honorable

The Secretary of the Interior.

Sir:-

I have the honor to transmit, herewith, report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated December 13, 1902, forwarding for the Department's consideration the record relative to the application of Robert B. Harris, for enrollment as an intermarried citizen of the Cherokee Nation, and for the enrollment of his wife, Martha L. Harris, and his five minor children, Charles, Johnnie M., Robert P., Nellie M., and William M. Harris, as citizens by blood of the Cherokee Nation. November 20, 1902, the commission held that the applicants were entitled to enrollment as citizens of the Cherokee Nation, Robert B. Harris as an intermarried citizen and the others as citizens by blood.

The Cherokee Nation by its attorney protests against the Commission's decision. The record in this case shows that Martha L. Harris, nee Locker, was admitted to citizenship in the Cherokee Nation by the proper authorities on November 22, 1872. She was married to Robert B. Harris August 16, 1893 under a license issued by the Cherokee authorities. These parties were first married in the State

of Texas under a license issued by the authority of that State. The names of all the applicants except Nellie M. and William M. Harris appear on the 1896 census roll, and the two last mentioned are properly identified by birth certificates. The record shows that Robert B. Harris and his wife have resided together in the Cherokee Nation continuously since 1892.

Inasmuch as the principal applicants have resided in the Cherokee Nation since 1892 a d as the names of all except Nellie M. and William M. Harris appear upon the 1896 census roll and considering that the Cherokee Nation on December 5, 1895, recognized Martha L. Harris nee Locker, as a citizen of the Cherokee Nation by issuing a marriage license authorizing her marriage to Robert B. Harris, the office is of the opinion that the decision of the Commission is correct, and it respectfully recommends its approval.

Very respectfully,

(signed) A. C. Tonner,

Acting Commissioner.

7

Cherokee
D 661.

Muskogee, Indian Territory, December 12, 1906.

Robert B. Harris,

Oolagah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

Respectfully,

Commissioner.

S.F.

Cherokee
D 661.

Muskogee, Indian Territory, December 12, 1906.

Joshua W. Ross,

Attorney for Robert B. Harris,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application for the enrollment of Robert B. Harris as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

B-C.W-15.
.W.

Cherokee
D 661.

Muskogee, Indian Territory, December 12, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application for the enrollment of Robert R. Harris as a citizen by intermarriage of the Cherokee Nation was reversed by the Department November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enc. W-16.
C.W

(COPY)

D.C.52901-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHE.

I.T.D. 1444-1903. November 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of August 15, 1903, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Robert B. Harris as a citizen by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of said Robert B. Harris is denied. The claims of the other applicants were disposed of in said letter.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

8 incls. for Ind. OF.

Cher R 1144

Trans from cher D682

Cher R 1144

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 24 1900

ACTING CHAIRMAN.

...t of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(38)

Date OCT 24 1900 1900.

1 Name Nathan J. Brinks (Old Settler) 37

District COOWEESCOOWEE. Year 1896 Page 295 No. 1[illegible]

Citizen by blood Yes Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name Nancy Fritts

~~District~~ Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

	Dist	Year	Page	No.	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age

Department of the Interior,
Commission to the Five Civilized tribes,
Claremore, I. T. October, 24 th 1900.

In the matter of the application of Nathan J. Brink for the enrollment of himself, wife and children as Cherokee Citizens. He being sworn testified as follows-

Q What is your name? A. Nathan J. Brink.
Q What is your age? A. 38
Q What is your post office address? A. Collinsville.
Q What district do you live in A. Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir. by adoption
Q Who do you want to have enrolled? A. Myself, wife and children.
Q What is the name of your wife? A. Liddie
Q Have you any certificate of marriage? A. Yes sir.
Applicant presents duly authenticated marriage license and certificate certifying that he was married to Mrs. Liddie Brink n Hall. [illegible] 1891.
Q What was the [illegible] name? A. Wm. Hall.
Q Is [illegible]
What is [illegible] name? A. Martha.
Q Is she [illegible]? A. Yes sir.
Q Give me the [illegible]? A. George F. Age 15. Chas.M.-13 Mary A. age 11; A. [illegible] age 11; [illegible] age 6; Hattie, [illegible] age 4.
2000.0025. Applicant presents certificate of adoption by [illegible] Commission on Citizenship, Sept. 28, 1887, signed by [illegible] and by Henry Sifford, [illegible] Approved by [illegible], Principal Chief of the Cherokee Nation. Attested by the Assistant Executive Secretary of the Cherokee Nation Under the Seal of the Cherokee Nation, certifying that whereas one Liddie Brink has complied to citizenship on the 28th of September, 1887.
Q Is the Liddie Brink named in this certificate [illegible] Liddie Brink for whom you now apply as your wife? A. Yes sir.

Said certificate also [illegible] the adoption of T. H. Brink and Mary Brink, children of the said Liddie Brink.

1896 [illegible]
[illegible] 120 [illegible]
[illegible] 120 [illegible]
[illegible] 120

Q Then he divorced you? A. Yes sir, we had a church trial, we were both there and he divorced me.

The name of Nathan J. Brink appears on the census roll of 1896. He produces satisfactory proof of marriage to one Lidie Brink in 1891, he also produces a certificate of her admission to citizenship together with two of her children, F. C. Brink and Mary A. Brink said certificate being more particularly described in the testimony. He avers that in addition to said children he had three others named Albert D.; William L; and Charles M. Brink whose names appear on the census roll of 1896 and one Hooley Brink for whom he produces satisfactory proof of birth, said child being too young to be on the roll of 1896. Having made satisfactory prrof as to residence as to himself, wife and children. His wifes name appears also on the census roll of 1896. He avers that he was married previous to his present marriage to Bettie Hemsley a white person, but makes satisfactory proof of there having been divorced. As to full particulars as to divorce see testimony. Consequently the final judgment as to the enrollment of Nathan J. Brink as a Cherokee by intermarriage will be suspended and he will be placed on a doubtful card awaiting satisfactory proof of his divorce from his first wife Bettie before his marriage to his present wife Lidie. His wife Lidie Brink and his children as above named all being duly identified according to the page and number of the roll [illegible] made satisfactory [illegible] will be enrolled as [illegible] Cherokee by [illegible].

[illegible] states that [illegible] to the [illegible] to the five [illegible] [illegible] [illegible]

1963

DEPARTMENT OF
COMMISSION TRADE

FILED

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R

D 682 Cherokee

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7,1902.

SUPPLEMENTAL PROCEEDINGS in the matterof the application of Nathan J. Brink for enrollment as a Cherokee citizen.

Appearances:
I.P.Bledsoe, Choteau,I.T., agent for the applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 7th day of March,1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March,1902, appears in person by his agent, I.P.Bledsoe, Choteau,I.T.

BY MR. BLEDSOE: I simply want ten days in which to file copy of divorce from his former wife.

BY COMMISSION: The agent for the applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for fianal consideration and decision based upon the evidence now of record. The agent for the applicant also requests and will be granted ten days in which to furnish the Commission with a copy of the decree of divorce between the applicant and his former wife.

I, [illegible], do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

[illegible]

[illegible]

Cher.
Supp'l to D 682

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1902.

In the matter of the application of NATHAN J. BRINK, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

NATHAN J. BRINK, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Nathan J. Brink.
Q How old are you Mr. Brink ? A I was born in 1862, I am forty years old.
Q What is your post office address ? A Why its Nowata now.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation ? A Yes sir.
Q What is the name of your wife ? A Lydia.
Q Is she living ? A Yes sir.
Q Is she a Cherokee by blood ? A Yes sir.
Q Recognized as such ? A Yes sir.
Q When were you married to your wife Lydia ?
A I was first married in 1884, I believe.
Q Where were you married the first time ? A On Cow Skin prairie.
Q Were you married the first time under a Cherokee, license ?
A No sir.
Q Were you afterwards married to the same woman ? A Yes sir.
Q Where ? A At Vinita.
Q Were you married to her under a Cherokee marriage license this last time ? A Yes sir.
Q How have you filed your license with the Commission when you made your original application ? A Yes sir.
Q Had you ever been married prior to your marriage to your wife Lydia ? A Yes sir.
Q How many times ? A Once.
Q What was your first wife's name ? A Bettie Hammersley.
Q Was she a white woman or a Cherokee ? A A white woman.
Q Where ? A On Cow Skin prairie.
Q In the Cherokee Nation ? A No sir in the Seneca Nation right across the line. I lived in the Cherokee Nation but I married in the Seneca Nation.
Q Was your first wife living when you married Lydia ?
A I can't tell you.
Q You and she had separated ? A Yes sir.
Q Had you been divorced ? A Had a Church divorce.
Q What church ? A The Quaker church.
Q Under what law did they propose to give you a divorce ?
A I don't know, that's what they claimed, that I could get one.
Q Where was it ? A Split Log, Seneca Nation.
Q Have they any law up in the Seneca Nation authorizing any church to give a divorce ? A I don't know about that.
Q Was that the only kind of divorce you ever had from your first wife ? A That's the only kind I could get at that time.
Q You never did get a divorce from your first wife other than what the church gave you ? A No sir.
Q You never went into any court anywhere ?
A No sir, there wasn't no court here.
Q Then after you were divorced, as you say by the church, you married this last woman ? A Yes sir. About two years afterwards, I suppose.
Q And you base your right to enrollment as an intermarried citizen upon your marriage to this last wife, Lydia, don't you ?
A Yes sir.
Q How much have you and your wife Lydia lived together from the time of your marriage up to the present time ? A Yes sir.

Q Never separated ? A No sir.
Q You were living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q Have you lived in the Cherokee Nation ever since your marriage to your wife Lydia up to now ? A Yes sir.

Examined by W. W. Hastings, Esq:

Q When did this church divorce take place ? A After we separated; some time after we separated.
Q When did you separate ? A Sometime, I think, in 1882.
Q You married in about two years after that ?
A Yes sir, I don't remember dates.
Q She didn't continue to live in your neighborhood ?
A No sir, she has never been heard of.
Q Where did she go ? A I don't know.
Q She never died ? A I don't know.
Q You never heard of her dying ? A No sir.
Q You married within two years afterwards ?
A Yes sir, somewheres near that .

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 11, 1902.

Notary Public.

Cherokee D. 682.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nathan J. Brink for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 24, 1900, Nathan J. Brink appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment of himself, among others, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 7, 1902. The other parties to this application are differently classified and are not embraced in this decision.

The evidence shows that on April 18, 1891, the applicant, a white man, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Mrs. Lydia Brink, nee Hall, a native Cherokee. It further appears that the applicant at the time of his said marriage had a former wife living, one, Bettie Brink, nee Holmsley, a non-citizen, and that he had never been legally divorced from said former wife.

The applicant and his present wife, Lydia, are identified on the 1896 census roll of the Cherokee Nation, the former as an adopted white and the latter as a native Cherokee.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens 'with such intermarried white persons as may be entitled to citizenship under Cherokee laws.'

Section 808 of the Compiled Laws of the Cherokee Nation (1892), provides as follows:

'All marriages which are hereby prohibited on account of consanguinity between the parties, or on account of either of them having a husband or wife then living, shall be absolutely void in this State, without any judgment of divorce or other legal proceedings.'

It is, therefore, the opinion of this Commission that the name of Nathan J. Brink is on the said 1896 census roll without authority of law and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Dated at Muskogee, I. T.,

this _____



March 4 - 1902

Miami Indian Territy

This is to certify that Mr. Nathan J Brink and Miss Bettie Holmsley were married by me the 1st day of February 1882. in the Seneca Nation Indian Territy. and were divorced by the Church in September 15th following. there was no license for the Indian Territy at that time.

Rev Jeremiah Hubbard.
Missionary in Charge at that
time in the Quapaw Agency
Indian Territy

I hereby certify that Jeremiah Hubbard is a minister of the f Friends church, and legaly authorized to solemnnize marriages.

Will J. Shriver
Notary Public.

My commission expires January 24th 1906.

Cherokee Nation I. T.

[illegible]

[illegible]

[illegible]

THE INDIAN CHIEFTAIN Print, Vinita, Indian Territory

Cherokee Nation, I. T.,

Cowetoowee DISTRICT.

I, [illegible]

a District Clerk

hereby certify that on the 18th day of

April 1891

I joined in Marriage Mr. A. J. [illegible]

a citizen of the United States and Miss

Lizzie [illegible] nee [illegible]

a citizen of the Cherokee Nation, agreeable

to the authority given in the Cherokee

Laws and the customs and laws of the

Cherokee Nation.

Given under my hand this the [illegible]

day of [illegible]

18 [illegible]

[illegible]

The Indian Chieftain Print, Vinita, Indian Territory

Cherokee Nation, I. T.,

Cooweescoowee DISTRICT.

I H. H. Hunt

a District Clerk

hereby certify that on the 18th day of

April 1891

I joined in Marriage, Mr. M. J. Brinkley

a citizen of the United States, and Mrs

Syda Brinkley nee Ha

a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 18th

day of April A. D.

1891.

H. H. Hunt

MARRIAGE LICENSE.

CHEROKEE NATION, I. T.

Cooweescoowee DISTRICT

To Any Person Legally Authorized to Solemnize Marriage Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. N. J. Daniel, a citizen of the United States, and Mrs. Lydia Morris, Nee Lydia Hall, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the 15th day of April A. D. 1897.

[illegible]

Clerk Cooweescoowee District



D 10682

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 24 1902

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **February 17,** 1902.

Mr. Nathan J. Brink,

Collinsville, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the seventh day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of decree of divorce from your first wife.

Cherokee D-681
Register.

Commissioner in Charge.

Cherokee-D-682

Muskogee, Indian Territory, May 15, 1902.

Mr. I. P. Bledsoe,

Chouteau, Indian Territory.

Sir:

In the matter of the application of Nathan J. Brink for enrollment as a citizen by intermarriage of the Cherokee Nation, it appears that on March 7, 1902, you requested that you be allowed ten days within which to file a copy of a decree of divorce of Nathan J. Brink from his former wife, Nettie, which request was granted. From an examination of the papers in the case it does not appear that you have taken any action in the matter indicated. You will please give the matter prompt attention.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEELY
C. R. BRECKINRIDGE
ALLISON T. AXTELL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-682

Muskogee, Indian Territory, October 8th , 1902.

Nathan J. Brenk,

Collinsville, Indian Territory.

Dear Sir:-

The Act of Congress, approved July 1, 1902, and entitled "An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," (Public No. 241), provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2. 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, December 9, 1902.

U. S. Indian Agent,

Quapaw Agency,

Quapaw, Indian Territory.

Sir:-

In connection with an application for enrollment as a citizen of the Cherokee Nation, the Commission desires information as to whether, in the year 1882, there was any law, custom or provision in the Seneca Nation for granting divorces, and especially if churches had power to grant divorces.

You are requested to furnish the Commission with this information at the earliest possible date.

Respectfully,

Acting Chairman.

INDEXED D-687

DEC 20 1902

NO. [illegible]

DEC 1[illegible]

CHEROKEE

SENECA INDIAN TRAINING SCHOOL.

Wyandotte, I. T. Dec. 13 1902

HORACE B. DURANT,

Superintendent.

Letter to Com. B. Howard
Transmitting Annual Report
Seneca Ind. Training School
I. T.

Enclosure.

COMMISSIONER OF INDIAN AFFAIRS.

FILED

Dec. 20 1902

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE.

Seneca Indian Training School, I.T.,
Wyandotte, I.T., December 15, 1902.

The Chairman

Five Civilized Tribes Commission.

Sir:

Answering your communication of December 9, 1902, inquiring "whether in the year 1882, there was any law custom or provision in the Seneca Nation for granting divorces, and especially if churches had power to grant divorces",- I have to say that from the best information I am able to obtain there prevailed in the Seneca Nation of Indian in the Indian territory in 1882 and until the United States Courts were established in the Indian territory, a custom under which the council of the tribe granted divorces to its members. Such a custom existed in several of the tribe of this agency, until courts were established in 1889.

I know of no law, custom or provision in the Seneca or other tribes here which authorized churches to grant divorces in 1882 or at any other period.

Very respectfully,

Supt. & Disb. A. I. Indian Agent.

Cherokee No.
D.682

Muskogee, Indian Territory, January 10, 1907.

Nathan J. Brink,

Nowata, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decm. D____

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION.

The Records of This Office Show That prior to October 31 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz

James Watson	1	Scott Harless	294
Benjamin W Williams	8	Emma Phillips	407
Lena Severs	20	John Whisenhunt	450
Sarah E Mc[illegible]	21	Truman Chance	473
Joseph Hetherger	23	Thomas A Sheffield	484
Laura Henson	43	Vester C Martin	509
William W Barnes	49	William Gingles	617
Georgia Wood	54	William J Langer	629
Walter A Ellens	67	Joseph P Wells	664
Addie B Ward	69	James T Miller	668
[illegible]	73	George A Waters	685
[illegible]	[illegible]	Jeanette Mosser	686
[illegible]	[illegible]	Joseph A Foster	689
[illegible]	[illegible]	[illegible]	703
[illegible]	[illegible]	[illegible]	709
[illegible]	[illegible]	Morgan Patterson	804
[illegible]	295	Martha M Skinner	830
[illegible]	296	Emma Morris	845
[illegible]	298	[illegible]	857
[illegible]	299	John F Gordon	86[illegible]
Mary A Wilcox	345	William H Barrow	887
John W Thornton	350		

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Roxie Shepard	1128
Robert G Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J Ivers	1149
Joseph M Correll	1177
[illegible]	1225
[illegible]	1234
[illegible]	1247
[illegible]	1264
[illegible]	1265
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broadus	2854
William A. Martin	2867
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	[illegible]
[illegible]	[illegible]
Ira W. Waden	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Margaret Teague	[illegible]
[illegible]	[illegible]
Benjamin F. Kelley	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H Gibson	4327
John McFall Jr	4343
Albert W Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A Powell	4390
Austin Hasles	4400
Anna Bible	4414
Elizabeth Rice	4428
[illegible]	4440
[illegible]	4450
Ida M [illegible]	4457
[illegible]	4465
[illegible]	4477
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[illegible]	4587
[illegible]	4593
[illegible]	4600
[illegible]	4607
[illegible]	4613
[illegible]	4620

Roxie J Ketchum	4623
Lizzie Love	4626
Robert K Wann	4632
Frederick Metzner	4633
John C Bratcher	4634
Pigrow L Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Frances	4650
Clemon C Peek	4652
Mont C Frazier	4653
Frank J Mayberry	4656
Charles W Moore	4660
Jefferson D Edmondson	4661
Alonzo H Foster	4662
Thomas C Mock	4668
Sallie Wilson	4669
Elizabeth L Burgess	4671
[illegible]	4673
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Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G Alberty	5438
Sallie Ward	5455
William H Sutherlin	5484
Lizzie Hall	5487
Cyrus B Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D Meder	5496
[illegible]	5498
Stella Henry	5499
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Horace H Huddlestun	5832
William R Sartain	5837
Joseph A Lawrence	5843
William H Hinton	5846
Joseph Lehr	5851
Eunn M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W Young	5872
Earley F Ellis	5874
Rosa B Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H Merchant	5888
John D Merchant	5889
Sarah E Ghormley	5894
Jerry Young	5906
James H Brooks	5916
Mary Hooks	5919
George W Wynn	5922
Albert Crain	5924
James M Lane	5927
Albert W Steele	5935
John M Simpson	5938
Wesley Hudson	5941
Richard L Lawson	5950
Mary T Thompson	5957
Isaiah A Fagan	5959
Minnie Hubbard	5961
John A [illegible]	5966
John H W [illegible]	5967
James F Cantrell	5968
Christopher T Sadler	5969
Mary [illegible]	5970
John W [illegible]	5971
Darrell W Morgan	5980
Littleton F Shaw	5981
Amanda C Thompson	5982
John W Rose	5983
Thomas L Taylor	5984
Ora M [illegible]	5985
Lewis H [illegible]	5986
Elmer Sanders	5988
James S Hutton	5991
Young L [illegible]	5992
Lee A [illegible]	5993
John Russell	5994
Mary L Cummings	5995
Ida Sims	5997
William B Cline	5998
George C Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G Langley	6038
John T Ham	6042
Mary L Jordan	6048
John W Bradshaw	6076
James L Dean	6079
Amanda J Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D Rvals	6113
John C DeLozier	6117
Jessie Willis	6118
Mary A Clark	6124
Mary I Tipton	6126
Leander Newton	6136
W[illegible]e A Qualls	6138
Hezekiah B Thomas	6144
Hugh T Watkins	6163
Nancy [illegible]	6172
Harry Hutchins	6186
H[illegible]	6189
Sarah E Sims	6194
Lucy [illegible]	6211
Rose L [illegible]	6214
Lillie [illegible]	6220
William M [illegible]	6230
Jane Shaw	6232
Lillie L Taylor	6236
Annie B Allen	6239
Maud C Wyatt	6240
[illegible] W Young	6245
[illegible] E Shaw	6250
Lucretia Douglas	6259
Sarah Mason	6264
Henry B Benge	6269
[illegible] A Wilson	6268
Ester C [illegible]	6274
[illegible] L Ivey	6275
Mary [illegible]	6276
Samuel [illegible]	6278
Ella B Wynn	6281
Thomas Wynn	6282
Samuel Tipton	6283
Thomas W Miller	6285
Jessie Thompson	6291
Nora Smith	6292
John T [illegible]	6293

James J Snider	6375
William H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
William A Fisk	6392
William O Ames	6394
Thomas Wilkerson	6396
Alice C Springston	6407
Fanny N Witt	6413
Lillie M Adair	6424
Mark F. Matheson	6428
Ida L Wilson	6431
George E Marrs	6441
Ulysses S Reeves	6443
Daniel A Smith	6447
Henry J Dawson	6450
Sarah Adair	6452
Ida F Wilson	6455
Mary E Taylor	6459
Catherine Henson	6468
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James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T Neff	6747
William R Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B Willis	6785
Daniel Hubbard	6787
Mary R Tadpole	6801
Magnus A. McSpadden	6811
Sarah F Pathkiller	6824
Clora Twist	6845
Mattie M Welch	6846
[illegible]	6850
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[illegible]	7101
[illegible]	7102

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary F Foreman	7158
Alma West	7159
James M Connally	7161
Francis M Crowell	7163
Jamie E McClure	7171
Benjamin B Grabarz	7176
Ada Pharis	7180
Wilhalb L Whisenhunt	7184
Frances B Perry	7191
Philip Sladtz	7210
Hester A Miller	7212
[illegible]	7213
[illegible]	7217
[illegible]	7218
[illegible]	7225
[illegible]	7231
[illegible]	7264
[illegible]	7267
[illegible]	7271
[illegible]	[illegible]
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[illegible]	[illegible]

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C Barker	9591
John P Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A Hedrick	9599
William C M Robinson	9600
Woodrow Hadley	9612
William T Gregory	9613
Charles M Keys	9616
Bate O Reed	9618
Joseph E Foland	9623
[illegible] C Smith	9625
Charles M Cox	9630
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Mack H Martin	9640
Mary Ward	9653
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William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A Collins	9936
Lucinda Spriggs	9937
Ella F Hail	9939
John W Harris	9940
Hannah Raper	9942
John J Coughran	9945
Youra F Wayboern	9946
Louisa J Taylor	9947
William M Evans	9948
William F Pierce	9949
May I Chambers	9950
Albert [illegible]	9954
Henry [illegible]	9955
Sarah Bent	9956
Zeno M Cox	9964
Jemima E Brain	9966
[illegible]	9967
[illegible]	9968
James W Fleming	9994
[illegible]	9995
Walter H [illegible]	9997
Hannah J Miller	9998
Clara V Ward	9999
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[illegible]	10001
Nellie Fields	10003
[illegible]	10004
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James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Wattie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
~~William Fister~~	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Petrell	10051
[illegible]	10052
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[illegible]	[illegible]

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Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T Kiddy	D	108
Henry C Agent	D	139
Joseph Phippe	D	147
Henry Hilton	D	149
David A McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A Johnson	D	232
Nathaniel G Simpson	D	242
Omeico W Head	D	244
Etta Taylor	D	245
Susan V Sullivan	D	262
Levi H Tackett	D	263
William H Connedley	D	264
Julia A Sullivan	D	284
Mat Fields	D	297
Katie Hummingbird	D	308
[illegible]	D	320
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Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H Hawkins	D	594
Lula M Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N Walker	D	641
Joseph Davis	D	648
Leander A Keys	D	650
James J Barnedollar	D	655
Nathan J Brass	D	682
William S. Mays	D	688
Emma Watkins	D	698
Dora L. Rogers	D	708
James W Tatsey	D	709
Lizzie Ward	D	711
Robert J Hicks	D	713
Bebe J Quinton	D	728
Frances M Beattie	D	744
Annie W [illegible]	D	746
Agnes N [illegible]	D	749
Jesse J [illegible]	D	[illegible]
William [illegible]	D	[illegible]
[illegible]	D	[illegible]
Georgia A [illegible]	D	[illegible]
Ella [illegible]	D	[illegible]
William B [illegible]	D	[illegible]
William A [illegible]	D	[illegible]
Charles A [illegible]	D	[illegible]
Annie Williams	D	[illegible]
Adam [illegible]	D	[illegible]
[illegible]	D	[illegible]
Annie [illegible]	D	[illegible]
George W [illegible]	D	[illegible]

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1085
Laura D. Henson	D	1086
Hettie E. Downing	D	1089
Benjamin F. Cram	D	1099
Benjamin Strickler	D	1120
Nancy Spainard	D	1126
Annie Wilson	D	1127
Ora H. Mayes	D	1128
Reuben W. Mayes	D	1129
Cora Childs	D	1130
Jamie Hughes	D	1131
Frances B. Rust	D	1132
Martha Carol	D	1133
Christina Johnson	D	1134
Leonidas Franklin	D	1135
Mary J. Howell	D	1136
Jesse A. Martin	D	1137
Cecil C. McElroy	D	1138
Nathaniel S. Mayes	D	1139
James D. Lynch	D	1140
Elmer Lucas	D	1141
Ora B. Taylor	D	1142
Ruby Johnson	D	1143
Joe B. Thompson	D	1144
Guilford T. Thompson	D	1145
Ernest C. Wilson	D	1146
Pink Lunsford	D	1147
William Grinnell	D	1148
Lawrence N. Collins	D	1149
Alfred Wagner	D	1150
Thompson Lunsford	D	1151
Rosa Jones	D	1152
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Josepin H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schumacher	D	1448
Lannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. L. Warren	D	1558
Lonnie Bowden	D	1565
Frank Cowles	D	1581
Mary Frances Mayes	D	1667
Thomas Thomas	D	1668
Ivan Sell	D	1669
Jay Cooper	D	1670
J. V. Mayes	D	1671
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[illegible]	D	1700

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
Irene Riley	D	2739
William H Rowley	D	2740
Columbus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary F. Davis	D	2770
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[illegible]	D	2789
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[illegible]	D	2799
[illegible]	D	2800
[illegible]	D	2801
Joseph A Kelley	D	2803
[illegible]	D	2804
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[illegible]		2813
[illegible]		2814
[illegible]		2815
[illegible]		2817

Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morton	D	2920
[illegible]	D	2981
[illegible]	D	2984
Wade S. Hayes	D	2987
[illegible]	D	2988
[illegible]	D	2991
[illegible]	D	2992
[illegible]	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
[illegible]	D	2998
[illegible]	D	2999
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[illegible]		3001
[illegible]		3002
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[illegible]		3007
[illegible]		3008
[illegible]		3009
[illegible]		3010
[illegible]		3011
[illegible]		3012
[illegible]		3013

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G Thompson	R	5	John Sitrell	R	642
William T Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A Perdue	R	45	Lizzie Davis	R	761
Gabriel L Payne	R	61	Clara M Emmons	R	803

[illegible] Records Further Show That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

It is Therefore Ordered and Adjudged That in accordance with the decision of the Supreme Court of the United States dated November 5 1906 in the cases of Daniel Red Bird et al vs the United States Nos 135 136, 137 and 138 said applicants are not entitled under the provisions of section twenty one of the Act of Congress approved June 28, 1906 (34 Stat 494) to enrollment as citizens by intermarriage of the Cherokee Nation and their applications for enrollment as such are accordingly denied

[illegible]

[illegible]

[illegible]

Cherokee D 682

Muskogee, Indian Territory, March 14, 1907.

Nathan J. Brink,
Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

Commissioner.

RPI

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-1-0
LWC

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

[illegible], April 16, [illegible]

Postmaster,

[illegible], Indian Territory.

Dear Sir:

There is returned to you herewith a registry return receipt for a registered letter addressed by this office to Nathan H. Brown, which is unclaimed. You are requested to have the same signed by the person receiving the letter and return to this office.

[illegible],

[illegible]

Encl. R-7

L W B

Cher R1145

trans from Cher D688

Cher R 1145

0868

Department of the Interior,
Commission to the Five Civilized Tribes.
Claremore, I. T., October 24th, 1900.

In the matter of the application of William S. Miles for the enrollment of himself, wife and child as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A William S. Miles.
Q How old are you? A Forty six.
Q What is your postoffice? A Claremore.
Q What district do you live in? A Coowweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir.
Q By intermarriage? A Yes sir.
Q Whom do you want to enroll? A Just myself.
Q What is your wife's name? A Rosalee Miles.
Q Have you any certificate of marriage? A Yes sir.

The applicant presents a duly authenticated marriage license and marriage certificate, certifying that he was married on the 8th day of April, 1885, to one, Rosa Ross, a Cherokee citizen by blood; married according to the laws of the Cherokee Nation.

Q What is the name of your child? A Louisa.
Q How old is Louisa? A Eight years old.
Q Is your wife living? A Yes sir.
Q Are you living with her? A Yes sir.
Q Why do you not enroll her? A I can.
Q What is your wife's father's name? A Joshua Ross.
Q Is he living? A Yes sir.
Q What is her mother's name? A Mahalagee Ross.
Q Is she living? A Yes sir.
Q Are you and your wife living together now? A Yes sir.
(Here roll, page 3[illegible], dev[illegible], [illegible]. Miles, Coo. District)
(Here roll, page 2[illegible], Wm[illegible], Rosalee Miles, Coo. District)
(Here roll, page [illegible], [illegible], [illegible], Louisa Miles, Coo. District)
Q How long have you lived in the Cherokee Nation? A Three [illegible].
Have you been living here continuously since then? A Yes sir.
How long has your wife lived in the Cherokee Nation? A Yes sir.
She has lived here ever since then.
Is she living at Mahalagee with her father and mother?
A Yes sir.
Q You were married in 1885? Was you then living in the Cherokee Nation?
A No sir; I came in Texas, and came here in 1887.
Q Did you take your wife to Texas? A Yes sir.
Q You have been living here continuously since then? A Yes sir.
Q How long did you live in Texas? A About two or three years; part of the time I had cattle there.
Q Is your home property here in the Cherokee nation now you were living in Texas? A Yes sir.
Q Did you become a citizen of the State of Texas while you were there?
A No sir.
Q How old is your wife? A Twenty seven, I think.

Q Your wife's father was readmitted to citizenship?
A I do not know anything about that.
Q You say you had property here when you lived in Texas? A Yes sir.
Q What did you have?
A Some stock up here on California Creek and a place.

The name of William S. Miles appears upon the census roll of 1896: The name of his wife, Rosalee also appears upon the census roll of 1896, as well as the name of his child Louisa Miles: He presents satisfactory proof of marriage to one, Rosalee Ross, in 1885; and he avers that she is the child of Joshua Ross: The records of the Cherokee Nation show that Joshua Ross was readmitted to Cherokee citizenship, but not date is given as to his readmission: It is averred that said Rosalee was a minor at the time of said readmittance; and the testimony shows that the applicant with his wife removed to and lived in the State of Texas about two years; and no proof of readmission, after his removal to the Cherokee Nation is presented, but the records of the Cherokee Nation also show that his wife, Rosalee Miles was readmitted to Cherokee citizenship, but no date is given as to the said readmission:

Because of the complication in the testimony, and lack of date, final judgment as to the enrollment of the applicant, William S. Miles, his wife, Rosalee Miles, and his child, Louisa Miles, he as a Cherokee citizen by intermarriage, and his wife and child as citizens by blood will be suspended and their names will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) R. H. Stevens.

Subscribed and sworn to before me this 24th. day of October, 1900.

(Seal)

(signed) W. T. Greer.
Notary Public.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing testimony and proceedings, and that the same is a true and correct copy of the original.

Sworn to and subscribed before me this ___ day of March, 1901.

Supplemental D 688.

Department of the Interior,
Commission to the Five Civilized Tribes.
Claremore, I. T., November 7, 1900.

In the matter of the enrollment of William S. Miles as an intermarried Cherokee, and of his wife and child as Cherokees by blood; Being sworn by Com'r Breckinridge and examined by the Commission he testified as follows:

Q What is your name? A William S. Miles.
Q How old are you? A 46.
Q What is your postoffice address? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes sir, I suppose so.

By Cherokee Representative W. W. Hastings:
Q What is the name of your wife? A Rosalee Miles.
Q What is the name of your child? A Louise Miles.
Q Who was her mother? A Her name as I understand is Mackogee Ross.
Q What is the citizenship of your wife's mother? A The Claims Creek.
Q [illegible] citizen of the Creek Nation? A Yes sir.
Q Is your wife a recognized citizen of the Creek Nation?
A We have not lived there; we have always lived here.
Q Did you or your wife ever apply for enrollment as a citizen of the Creek Nation or Cherokee Nation? A I did not.
Q Did your wife? A Why I suppose she did.
Q [illegible]
A No sir, her father attended to that.
Q [illegible]
A Why I think she was, I don't know it.
Q [illegible] wife and you?
A Yes sir.
Q [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

I, the undesigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings, and that the same is a true and correct copy of the original.

Marie E Gilbert

Sworn to and subscribed before me this 30 day of March, 1903.

Edward Merrick
Notary Public.

R

C. D-688

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 7, 1902.

Supplemental Testimony and Proceedings in the matter of the application of William S. Miles for the enrollment of himself, wife and child as Cherokee citizens.

Appearances:
Joshua Ross, for the applicant;
[illegible], Attorney for the Cherokee Nation.

By Commission: The applicant was notified by registered letter February 17, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration at its offices at Muskogee, Indian Territory, on the 5th day of March, 1902, and that on said date he must appear before the Commission in person or by attorney and present such further testimony as he desired to introduce in additional to that already filed in his case. The applicant this day, to-wit: the 7th day of March, 1902, appears by his attorney, Joshua Ross, of Muskogee, I. T.

Joshua Ross, being first duly sworn and being examined testifies as follows:

[illegible]

be part Creek and part Cherokee; she elected to take her allotment in the Creek Nation, and with reference to her husband's citizenship the court said:

"If she (his wife) elects to be enrolled as a citizen of the Creek Nation, she and her children will be enrolled as citizens of the Creek Nation and her husband will not be enrolled as a citizen of either, the Creek or the Cherokee Nation."

By Commission: The agent for the applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(signed) M. D. Green.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing testimony and proceedings, and that the same is a true and correct copy of the original.

Marion E. Wilson

Sworn to and subscribed before me this 30 day of March, 1903.

Edward Merrick
Notary Public.

CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP.

(Office of Commissioner of Citizenship,
(
(Tahlequah, Cherokee Nation.

To all whom it may concern-- Greeting:

This is to certify that the following named, to-wit: Joshua Ross, male, age 54 years, Rosalie Miles, female, age 19 years, Susan Lourey Ross, female, age 16 years, Joshua Ewing Ross, male, age 10 years, John Vergee Ross, male, age 8 years, Richard Lewis Ross, male, age 4 years and Jennie P. Ross, female, age 1 year, did, pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled "An Act providing for the appointment of a Commission to try, and determine, applications for Cherokee citizenship," make such application to and before said "Commission" on the 16th day of September, 1887; that the proof submitted by the above named Joshua Ross in support of his said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council; and that, by virtue of a finding of fact by the Commission, and in conformity with the Fourteenth Section of said Act, the above named [illegible] are from this, the date of said finding and decision of Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Sect. 9, Art. 1 of the Constitution of the Cherokee Nation, and to participation in the said division of the Commission and re-settlement [illegible] Council approved December 8th, 1886.

In witness whereof, I have hereunto set my hand, [illegible] this the twenty-first day of January, 1888.

[signature illegible], Jr.
Commissioner [illegible].

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and correct copy of a certified copy on file in the office of this Commission.

Mattie E. McNair

Sworn to and subscribed before me this 30 day of March, 1903.

Edward C. McGuire
Notary Public.

Cher
Cupp'l to #D 688

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 14, 1903.

In the matter of the application of William S. Miles for the enrollment of himself as a citizen by intermarriage, his wife, Rosa L. Miles, and his children, Louisa and Jennie Murrell Miles, as citizens by blood, of the Cherokee Nation.

Appearances:
Applicant present in person;
J. C. Starr for Cherokee Nation.

William S. Miles, being first duly sworn, was examined, testified as follows:

Examined by the Commission:
Q What is your name? A William S. Miles.
Q How old are you? A I am [illegible] my 45th year.
Q What is your postoffice? A Muskogee at present.
Q You have a white man, are you? A Yes sir.
Q You are claiming the right to be enrolled as a Cherokee citizen by virtue of intermarriage? A Yes sir.
Q What is your wife's name? A Rosa L. Miles.
Q Is she a Cherokee by blood? A Yes sir.
Q She has been enrolled as a freedman hasn't she? A Yes sir.
Q And that enrollment is the final action? A Yes sir.
Q When were you married to her? A [illegible]
Q Were you married under a Cherokee marriage license? A Yes sir.
Q Are you able to prove that by the Cherokee witness, to this Commission? A Yes sir, I have [illegible] papers here.
Q Was your first wife a Cherokee? A Yes sir.
Q Was that her first husband? A Yes sir.
Q Neither one of you were married before? A No sir.
Q How was your first wife's name, you were married to? A [illegible]
Q Was she enrolled? A No sir.
Q Was she a citizen of the Cherokee tribe when you married her? A No sir.
Q Where was you living? A Well, I have been living in the Cherokee tribe since [illegible], before that time I lived a world to myself. After I was [illegible] married.
Q Where was [illegible] married? A Well, I married her down there, I married at Mr. Perry's at Tahlequah, and lived there a while.
Q How long ago was it? A It was about the first of [illegible] 1888.
Q Where did you go to the Cherokee Nation? A I went to Fort Smith and went to Texas.
Q Went to Texas [illegible]? A Yes sir.
Q Your wife lived [illegible]? A Yes sir.
Q Where was your wife's home? A Texas.
Q Where did you live, with your father-in-law there, and [illegible]
Q [illegible] A No sir.

Q What place? A San Angelo.
Q Did you own any property down there? A Well, my father gave me a lot, but I sold it right away, I never occupied it at all.
Q Is that the only property you ever owned there?
A Yes sir, since I was married it is.
Q Were you engged in any business in Texas?
A I was running a livery stable for my father.
Q During the time you were there? A Yes sir.
Q Did you dispose of that when you came back to the Cherokee Nation?
A Yes sir.
Q You didn't own it?
A I did not, but at the time I was just working for my father.
Q You didn't own the business? A No sir.
Q You came back to the Cherokee Nation in 1898? A Yes sir.
Q How long did you continue to live there? A I moved to Claremore in the Spring of 1898, and I have lived there ever since until two years ago I got pneumonia, and the doctors advised me to go to Texas, and I went back out there. I left there, I think, in April 1901.
Q Left where? A Left Claremore and went to Texas.
Q You lived continuously in Claremore from 1898 up to 1901, with your wife? A Yes sir.
Q You moved back to Texas again in 1901? A Yes sir.
Q Have you lived there since? A I lived at Claremore since?
Q No, in Texas? A Why I went out there in 1901, and stayed there until November and I came back.
Q That November? A Last November.
Q Stayed a little over a year in Texas? A Yes sir.
Q You came back from there last November? A Yes sir.
Q And took possession of Claremore? A Yes sir.
Q And been living there since that time? A Yes sir.
A Yes sir.

witness was examined J. C. Starr, as follows:

Q When did you say you went to Texas the first time after you were married? A In 1888.
Q How long did you stay there? A I stayed there until 1892, I think it was the Spring of 1892.
Q Now between 1888 and 1892 did you ever vote in any of the elections in Texas? A No sir, I can't remember. I had a spell of sickness at Claremore and it affected my mind and I can't remember dates nor nothing hardly at all.
Q Did you ever vote outside the Cherokee Nation since you have been married? A I have not, sir; I was there merely to stay until I got my health, and when I got so I thought I was able to stand it I came back.

Examined by the Commission:
Q In going to Texas was it your intention to make that State your home? A No sir.
Q You regarded the Cherokee Nation as your home did you?
A Yes sir, and as soon as I was able to live here, as I thought, I came back.

Examined by J. C. Starr:
Q Are you willing to swear that you did not vote at San Angelo, Texas, while you were there?
A I don't remember that I did or didn't.
Q You are not sure about that? A No sir. I might ask some of my people and find out, but I don't think I did.

[illegible] states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause and that the foregoing is a true and correct transcript of his stenographic notes thereof.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Cherokee D-688.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rosalie, Julian and Jennie Darrell Miles as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 24, 1900, William S. Miles appeared before the Commission at Clarmore, Indian Territory, and made application for the enrollment of his wife, Rosalie Miles, and his minor child, Lorian Miles, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Clarmore, Indian Territory, on November 1, 1900; at Muskogee, Indian Territory, on March 7, 1902, and at Vinita, Indian Territory, on January 14, 1903. The application also included William S. Miles as a citizen by intermarriage of the Cherokee Nation, but his status as such is not passed upon at this time and he is not enrolled in this decision.

On January 24, 1903, a birth affidavit was filed with this Commission showing it to appear that Jennie Darrell Miles was born on September 14, 1901.

The records further show that Rosalie Miles was readmitted to citizenship in the Cherokee nation, by the duly constituted authorities of said nation, on January 24, 1903. The minor applicants herein are her children by her husband, William S. Miles, a white man. The said Rosalie Miles is identified on the Cherokee citizenship roll of 1896, also the Cherokee census roll of 1896. Julian [illegible] is identified on the Cherokee census roll of 1896; Jennie Darrell Miles is identified by a birth affidavit made a part of the record hereof.

It further appears that the said Rosalie Miles and her daughter, Lorian Miles, were both enrolled as citizens of the Creek Nation and their enrollment was approved by the Secretary of the Interior, and they have taken selections of allotments in said nation, [illegible] a portion of the land at present [illegible] of the selections.

It is, therefore, the opinion of this Commission that the application for the enrollment of Rosalie Miles and Louisa Miles as citizens by blood of the Cherokee Nation should be denied; and it is further the opinion of this Commission that Jessie Harrell Miles should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Dated at Muskogee, I. T.,
this JUN 1 - 1900

Cherokee D-688

Tahlequah, Indian Territory, August 19, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of August 14, I have the honor to transmit herewith the original jacket and record in the matter of the application of William S. Miles et al., Cherokee D-688, for enrollment as citizens of the Cherokee Nation.

The attorney for the Cherokee Nation appears to have been furnished with a copy of the record in this case.

Respectfully,

Clerk in Charge
Cherokee Land Office.

MJM

Enc. M-111

I.T.D.
2618-1904.

(COPY)

DEPARTMENT OF THE INTERIOR

S.V.P.
J.R.W.
W.C.P.

Office of the Assistant Attorney-General

Washington. May 9, 1904.

The Secretary of the Interior.

Sir:

Jeannie Morrell Miles. The statute referred to by the Commission

(30 Stat., 495, 503), provides that:

[illegible] several tribes [illegible] persons who [illegible] claim citizenship in two or more tribes, [illegible] determination of [illegible] agreement may be made, [illegible] be [illegible] by [illegible] whom [illegible] heard, and there [illegible]

[illegible] neral

D.C.16619-1904
I.T. D. 3802-1904.
2618-"

W.C.F.
F H E

L R S

DEPARTMENT OF THE INTERIOR.
WASHINGTON,

May 14, 1904

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 24, 1903, you transmitted the record in the matter of the application of William S. Miles for the enrollment of his wife, Rosalie Miles, and his two minor children, Jennie Murrell Miles and Louisa Miles, as citizens by blood of the Cherokee Nation, including your decision of June 1, 1903, rejecting said application as to Rosalie and Louisa Miles, and granting the same as to Jennie Murrell Miles. The application included the name of William S. Miles for enrollment as a citizen by intermarriage. His status as such is not passed upon by you, and he is therefore not embraced in this decision.

The attorney for the Cherokee Nation protests against your decision as to Jennie Murrell Miles.

Reporting March 26, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Assistant Attorney General, in his opinion approved May 6, 1924, [illegible] our decision as to [illegible] Files in this office. A copy of said opinion is inclosed.

Your decision rejecting the application as to [illegible] Files is approved. Your decision as to [illegible] is reversed, and you are directed not to enroll [illegible] citizen [illegible] Cherokee Nation.

Respectfully,

[illegible]

[illegible]

[illegible]

S 687

HRH

REFER IN REPLY TO THE FOLLOWING:
FC 176

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 12, 1906.

Chief Clerk,
Cherokee Enrollment Division,
General Office,

Dear Sir:

You are hereby advised that the names of Jennie Murrell and Vivian Miles, children of W. S. Miles, an alleged intermarried Cherokee, and Rosalie Miles, a citizen of the Creek Nation, are contained in a schedule of New Born citizens by blood of the Creek Nation, approved by the Secretary of the Interior, July 28, 1905, opposite Nos. 116 and 117.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING

Cherokee No.
D. 688

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

William S. Miles,
Clafemore, Indian Territory.

Dear sir.

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Incl. Decn. D

COPY

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION.

THE RECORDS OF THIS OFFICE SHOW That prior to October 31 1902 [illegible] were received by the Commissioner to the Five Civilized Tribes for the enrollment as citizens by intermarriage of the Cherokee Nation, of the following named persons who applied for enrollment as citizens by intermarriage of the Cherokee Nation [illegible] the Cherokee Enrollment Card corresponding to the numbers following their names [illegible]

[illegible]	[illegible]	[illegible]	294
[illegible]	[illegible]	[illegible]	[illegible]
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Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Roxie Shepard	1128
Robert G Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J Keys	1149
Joseph M Carroll	1177
[illegible]	1225
[illegible]	1234
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Millie Morton	1554
Andrew Walters	1573
John H Holder	1610
Mary M Burr	1612
Thomas E Bonham	1644
Florence Headrick	1663
Daisy B Brewer	1709
Annie Cordrey	1717
Adam Ecker	1722
Isaac Tarrant	1726
Gent Gibson	1727
Annie Anderson	1731
William J Mount	1734
James D Alexander	1745
Wm F Miles	1769
Lora Adair	1781
[illegible]	1796
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Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T Jones	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L Morgan	2568
Andrew A Brown	2575
Louis K Lair	2623
James L Mitchell	2644
Martha E McNeal	2650
Millard F Eggleston	2668
Elisha M [illegible]	2686
Jessie M Bullard	2694
Annie Martin	2708
Belle [illegible]	2809
James P Rice	28[illegible]
William [illegible]	2854
William A Mullin	285[illegible]
Joseph Q [illegible]	285[illegible]
Marcellus L [illegible]	286[illegible]
Lyda M Hill	[illegible]
Lou R [illegible]	[illegible]
Ira W Wigan	[illegible]
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Margaret Morgan	[illegible]
Augusta T [illegible]	[illegible]
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Mattie [illegible]	[illegible]
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Cora E [illegible]	[illegible]
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Martha A [illegible]	[illegible]
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Annie E [illegible]	[illegible]
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William A J Trotter	3257
Albert P Gofoth	3298
Anna B Martin	3307
William Brown	3344
Jennie B Blaylock	3345
William Little	3377
Julia M V Russell	3386
Andrew J Smith	3393
Wesley N Blakemore	3396
Lizzie Dergan	3417
Belle Hudson	3435
Thomas S Hinds	3437
William M Rosborough	3444
Mary C Hargis	3467
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Nancy J Kinney	4225
Sydney E Bell	4232
Isaac H Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H Gibson	4327
~~John McFall Jr~~	4343
Albert W Fitzsimmons	4360
George S Ford	4386
Quitan Carr	4387
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John H Shimp	5624
Thomas B Dickson	5625
Minnie Henry	5628
Thomas J Simpson	5629
Cap L Lane	5630
Reuben E DeLozier	5631
John Heape	5640
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Mary C Barnes	5853
Mathilda Thompson	5861
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Frank J Ell	5874
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George A McBride	6385
Matilda Cookson	6387
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William O Aine	6394
Thomas Wilkerson	6396
Alice C Spurgeon	6407
Fanny N Wyo	6413
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Mark I Matheson	6428
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Rufus M Norman	7155
Mary I Foreman	7158
Alma West	7159
James M Contadlv	7161
Frances M Crowell	7163
Lamme L McClure	7171
Benjamin B Graham	7176
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Florence Henry	9553
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Mary Jane Thomas	9562
James F Petty	9563
Laura McCrary	9566
Joel D Smith	9568
William T Cave	9572
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William Foster	10047
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Frank M Rucker		10222
Henry C Reed		10224
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George A Brown		10228
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Almira Mouse	D	9
Lenora Prather	D	16
Andrew M Cooter	D	17
Martin L Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	103
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Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M Jones	D	1022
Reuben A Evans	D	1032
Carrie H Cobb	D	1049
John M Burns	D	1069
Sarah E Henson	D	1083
Laura D Henson	D	1086
Hettie E Downing	D	1090
Benjamin F Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W Moore	D	1140
Cora Chadd	D	1146
Janie Hughes	D	1179
Francis B. Reed	D	1180
Martha Carey	D	1195
Christina Johnson	D	1200
Lourenna Isaacs	D	1208
Martha J Henson	D	1228
David A Mann	D	1229
Fred D McKinzey	D	1241
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Joe B Freeman	D	1292
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Ora Downing	D	1296
William Lawrence	D	1297
James B Turner	D	1307
Alfred Davis	D	1308
Christina Stevenson	D	1314
Ella Russell	D	1319

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Minnie Downing	D	1332
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Alfred H Woods	D	1342
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Susie McSpadden	D	1361
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Katy Payne	D	1369
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Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
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Marcella Blakeney	D	1474
G W Williamson	D	1555
C F Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Frances Maulding	D	1637
Thomas Redman	D	1661
Katie Sigl	D	1856
Ida Cramer	D	1913
D A Mounts	D	1967
L C Sellers	D	1991
James Hughes	D	2024
Lon Saunders	D	2216
Caroline Hayes	D	2501
Laura Cloud	D	2592
James Cloud	D	2597
Hiram A Lambert	D	2600
Clarence Vann	D	2603
Mattie Glasscock	D	2604
Jessie Hall	D	2608
Alexander C Russell	D	2617
Phyllis Ross	D	2618
Clay W Keeling	D	2619
Mary Jones	D	2627
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Jessie Wilson	D	2634
Minnie Hall	D	2635
Ella Glasscock	D	2639
Lucy Martin	D	2647
Willie Hall	D	2654
Frank Hughes	D	2657
Jesse Cloud	D	2659

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Columbus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jesse Frank	D	2774
[illegible]	D	2788
[illegible]	D	2789
[illegible]	D	2792
[illegible]	D	2793
[illegible]	D	2794
[illegible]	D	[illegible]
[illegible]	D	2797
[illegible]	D	2798
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]

Luc Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G Thompson	R	5	John Sitrell	R	642
William T Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M Emmons	R	803

In re Roberts Freedmen Status. That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims by blood descended to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

In re Thompson, Osborne and Applegate. That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the case of Parrot Red Bird, et al vs the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1906 (34 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications [illegible] are according [illegible]

[illegible]

Commissioner

[illegible]

[illegible]

978

REFER IN REPLY TO THE FOLLOWING:

Cherokee D688

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

William S. Miles,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

Commissioner.

EPI

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enc.1-1
TWC

Cher R 1146

Trans from Cher D689

Cher R 1146

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CLAREMORE, I.T., OCTOBER 24th, 1900.

In the matter of the application of Robert E. Trimble for enrollment as a citizen of the Cherokee Nation; said Trimble being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Robert E. Trimble.
Q How old are you? A 72.
Q What is your post office? A Alluwee.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Who is it you want to have put on the roll? A Myself.
Q Are you Cherokee by blood? A White man.
Q You were married to a Cherokee woman? A Married to a Cherokee woman in 1850.
Q Is she dead? A Yes, sir.
Q When did she die? A 1881.
Q What was her name? A Mary A. Trimble.
Q Have you lived in the Cherokee Nation ever since you married her? A Yes, sir.
Q How long have you been livinghere? A 25 years.
Q Have you been living here for 25 years? A Yes, sir.
Q You lived with your wife until she died? A Yes, sir, what time I was there, I was not there all the time.
Q Have you been living in the Cherokee Nation since six years previous to your wife's death? A Yes, sir.
Q And were living together previous to that death? A Not all the time.
Q Are you on the roll of 1880? A I do not know whether I am or not. It was all right then. I do not know whether she put me on the roll or not.
Q You lived with her all the time the six years previous to her death? A Yes,sir, I was at her burrying and helped take care of her all the time.
Q Did she leave you or you leave her? A There was no leaving down. I was still tending to business. She wanted me to kill a fellow and I did not want to do it. I did not feel disposed to do it.
Q The result was that the last few years of her life you never lived together? A She said you must live with me, and made me a bed in the corner and I never slept with it.
Q Why did it you put yourself on the roll? A I never went to.
Q You were here at that time? A Yes, sir.
Q Did you make any application at all to be put on the roll? A No, sir.
Q Were you a resident of and lay to be put on the roll? A Yes, sir.
Q You did nothing yourself? A No, sir. I left that to her.
Q Were you married, since your wife's death? A No, sir. I never was married but once.
Q Has she ever testified again? A No sir.
[illegible] page 167 [illegible] Trimble [illegible]
[illegible] page 168 [illegible] Robert A. Trimble [illegible]
The following data appears on the record with his enrollment [illegible] Mary A. Trimble, [illegible] dead, no such name on the roll.

By [illegible], Interpreter representative.

Q Where was you at in 1880? A I do not know that is further back than I can remember.
Q How long ago? A I was in 1880.
Q Did you attempt to put your name and to get on the roll of 1880 with your wife? A I was I never attempted for it unless she suggested to put it on. I paid no heed to the citizenship business I never went about it.
Q You stated a while ago that you and her had separated one time about the time? A No, sir, we never separated. She went away from me but she kept everything.

I turned over all my effects to her and went off tending to other business. I was horse racing.

By Com'r Breckinridge:--

Q You stated a while ago that you were here in the Cherokee nation in 1880? A Yes, sir.
Q You stated just now to Mr. Bushg that you were in Texas in 1880, now which is correct? A I do not know which is correct. I believe I am mistken about me being in Texas. I believe I was right out there horse racing.
Q Did you spend a good of ti e in Texas? A No, sir, not a great deal. I have been here for 25 years, most al the time.
Q Where have you been going when you went out? A Texas is the only place. I went to texas after cattle.
Q Do you want to introduce any testimony? A I would like to introduce Judge Starr and Clem Rogers, I just want their statements about what they know about me.

WATT STARR, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Watt Starr.
Q What is your age? A 65.
Q What is your post office? A Claremore.
Q How long have you lived in the Cherokee nation? A 52 years.
Q Do you know Mr. Trimble here, the applicant? A Yes, sir.
Q He is a white man is he? A Yes, sir.
Q Do you know his wife? A No, sir, I did not know her.
Q Do you know anything about the relations that existed between them as man and wife? A No, sir. I know his family and children.
Q You know nothing about the relations that existed between him and his wife? A No, sir.
Q How long has he been living continuously in the Cherokee nation? A He has been here since 1875. I got acquainted with him in '75, and I have not missed him out of the nation.
Q Has he been voting in the elections here? A Yes, sir.
Q Permitted to exercise the rights of Cherokee citizens? A Yes, sir.

C. A. ROGERS being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name A C. A. Rogers
Q Your age? A 46.
Q Your post office? A Claremore.
Q How long have you lived in the Cherokee nation? A All my life.
Q Do you know Mr. Trimble here? A Yes, sir.
I have known him for about 25 or 30 years.
Q Do you know anything about the relations that existed between him and his wife for the last few years of her life? A No, sir
Q How long have you known him to be living here continuously in the Cherokee nation? A For about 20 years
Q He has not been out of the Cherokee nation? A Only as training horses. He is a great horse trainer
Q Has he voted here? A Yes sir. He has been mixed up in politics here.
Q Do you know why he could have been left off the roll of 1880?
A No, sir
Q He is a white man? A Yes sir.

Robert E. Trimbel--2.

Robert E. Trimble further testified:

Q You have not a marriage license and certificate to your Cherokee wife? A No, sir, it has been too long.
Q Where were you married to her? A State of Missouri, Taney County I was a Justice of the Peace, they did not get any license then.
Q Were you ever married under Cherokee law when you come back her? A No, sir, I was told by Judge Rogers that I did not have to. I married her in 1850, and in 1851, I registed as an old Settler Cherokee.
Q You registered as an old settler Cherokee A No, sir,
Q Your wife was? A yes, sir.
Q Are you on any roll prior to 1880? A I do not know, sir.

Comm'r Breckinridge:--The applicant is identified on the roll of 1896 as an intermarried white. He states that he was married to his wife in 1850 in Missouri, and that neitherof them were ever previously married. He came to the Cherokee Nation many years prior to 1880, and his wife lived until 1881. He states that he has not remarried since his wife's death. He is not identified on the roll of 1880, but his wife is identified on that roll. He appears to have lived in the Cherokee Nation consistently for the past 25 years, but for some years prior to the death of his wife, they did not live together as husband and wife, however, he states that they remained upon terms of friendly relations. It further appears that the applicant was married to his wife under United States law prior to his coming to the Cherokee Nation, and he was never remarried to her after coming to the Cherokee Nation. For the further consideration of his application he will now be listed for enrollment as a Cherokee by intermarriage upon a doubtful card, and the final decision of the Commission will be made known to him at his post office address.

J. Gibson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of October, 1906.

Commissioner.

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 24 1900 1900.

Name Robert C. Trimble Attorney D

District COOWEESCOOWEE Year 1896 Page 327 No. 1040

Citizen by blood Yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age

Entered Enrollment of Trimble

R

C. D-689

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Robert E. Trimble for the enrollment of himself as a Cherokee citizen.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March,1902, and that on said date he might appear before the Commission either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his case. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 7th day of March, 1902, been called three times, and failing to respond either in person or by attorney, it is directed that this case be closed and the same will be reported to the Commission for final decision, based upon the evidence now of record.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof

Cherokee D 689.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert E. Trimble for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 24th, 1900 Robert E. Trimble appeared before the Commission at Claremore, Indian Territory and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the applicant is a white man. He is identified on the 1896 Cherokee census roll as an "adopted white" and his wife, Mary A. Trimble, a Cherokee by blood, is identified on the 1880 authenticated tribal roll of the Cherokee Nation as a "Native Cherokee."

The evidence further shows that the applicant was married to his said wife in Taney County, Missouri, in 1880, but that he was never married in accordance with the tribal laws of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the name of Robert E. Trimble is upon said 1896 census roll without authority of law and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats.495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this _____

1689

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 24 1902

COMMISSIONERS:
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

Mr. Robert N. Trimble,

Allured, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the seventh day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, and said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cher Muse D-469
Register.

Commissioner in Charge.

9,713

Cherokee-D-689

Muskogee, Indian Territory, May 16, 1902.

Mr. Robert E. Trimble,

Alluwee, Indian Territory,

Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, you stated in your testimony taken at Claremore, Indian Territory, October 24, 1900, that you was married to Mary A. Trimble in 1850 in Taney County, Missouri, but produced no record evidence of such marriage. You are required to file with the Commission a certificate of our said marriage or a certified copy thereof if such can be procured. In the event that no record of marriages was kept in Taney County, Missouri, for the year 1850, a certificate to that effect from the proper official is required.

You will be allowed twenty days from receipt hereof within which to comply with this requirement.

Very truly,

Acting Chairman.

Register.

Cherokee D-689

Muskogee, Indian Territory, October 16, 1902.

M. D. Green,

Dewey, Indian Territory.

Dear Sir:-

The Commission is informed that Robert E. Trimble, listed upon Cherokee card D-689 as an intermarried white, and whose age is shown on that card as 72, and whose postoffice is given as Alluwe, has died since the date of his application for enrollment.

You are directed, if possible, to procure an affidavit as to the death of this person.

Respectfully,

Commissioner in Charge.

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH, SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 689.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 19, 1902.

Robert E. Trimble,

Alluwe, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 10, 1902, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.
Acting Chairman.

Register.

Enclosure E. No. 160.

Cherokee D 689.

Muskogee, Indian Territory, December 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, rejecting the application of Robert E. Trimble for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enclosure 1. No. 349

COPY.

Cherokee D 689.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Robert E. Trimble for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated December 10,1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 35[illegible].

Cherokee
D 689

Muskogee, Indian Territory, December 13, 1906,

Robert E. Trimble,

Allure, Indian Territory

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated December 10, 1902, refusing your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department November 30, 1906.

For your information a copy of the departmental decision referred to is herewith enclosed.

Respectfully,

Encl. B-69

Commissioner

Cherokee
D 689

Muskogee, Indian Territory, December 13, 1906

W. . Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advise. that the decisio.. t.e Commi.sion to the Five Civilized Tr.bes dated December 10, 1902, re.usin. the appli.. lor of Robert E. Trimble for enrollment as a citizen by intermarriage o. the Cherokee Nation, was affirmed by the Department on November 30 190[illegible].

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Commissioner

Encl. B-70

(COPY)

D.C.53191-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHE.

I.T.D. 1376-1903.
3302- "

November 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 9, 1903, the Indian Office submitted the papers in the matter of the application of Albert E. Trimble for enrolment as a citizen by intermarriage of the Cherokee Nation, and recommended that the decision of the Commission to the Five Civilized Tribes, adverse to the applicant, be concurred in. A copy of its letter is inclosed.

The name of Trimble's Cherokee wife is found upon the 1880 Cherokee roll as a native Cherokee. The evidence in the case shows that Trimble was married to her in Missouri in 1880, but not in accordance with the laws of the Cherokee Nation.

March 14, 1903, the Commission to the Five Civilized Tribes transmitted copies of certain laws of the nation relative to intermarrying of white men with Cherokee women.

Finding no reason to disturb the decision of the Commission, it is affirmed.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner of Indian Affairs.

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Land
76,077-1902.

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON. February 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Albert E. Trimble for enrollment as a citizen by intermarriage of the Cherokee Nation.

On December 10, 1902, the Commission rendered a decision in the case finding that the applicant is a white man; that he is identified on the 1896 Cherokee census roll as an "adopted white", that his wife, Mary A. Trimble, a Cherokee by blood, is identified on the 1880 authenticated tribal roll of the Cherokee Nation as a "native Cherokee"; that the evidence further shows that the applicant married his wife in Taney County, Missouri, in 1880, but that he was never married in accordance with the tribal laws of the Cherokee Nation, by reason of which facts the Commission find that his application for enrollment as a citizen by intermarriage should be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495).

The office has examined the evidence in this case and finds that said facts set out by the Commission in its decision herein are in accord with the evidence submitted in behalf of the claimant and that under those facts the applicant is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation.

It is therefore respectfully recommended that the decision of the Commission be affirmed by the Department.

Very respectfully,

A. C. Tenner,

(W.C.R.)

Acting Commissioner.

P.

Cher R 1147

Trans from cher D 698

Cher R 1147

COOWEESCOOWEE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 25 1900 1900.

1 53 Name Robert L Wayburn, Bryan Creek D.

District COOWEESCOOWEE Year 1896 Page 288 No. 5347

Citizen by blood Yes admitted 1879 Mother's citizenship

Intermarried citizen M.

Married under what law

License Certificate

2 Wife's name Emma Wayburn, nee Landers

District COOWEESCOOWEE Year 1896 Page No.

Citizen by blood NB Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate Filed OCT 25 1900

Names of Children:

3 Oscar Wayburn Dist. COOWEESCOOWEE Year 1896 Page 288 No. 5348 Age 4

4 Emma M. Dist. Year Page 288 No. 5349 Age 6

5 [illegible] Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Department of the Interior.

Commission to the Five Civilized Tribes.
Claremore, I. T., October 25th, 1900.

In the matter of the application of Robert L. Wayburn for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Robert L. Wayburn.
Q How old are you? A 33.
Q What district do you live in? A Cooweescoowee.
Q Who is it you want to have put on the roll; yourself and family?
A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Three.
Q Are you a Cherokee by blood? A Yes sir.
Q What's your wife? A She's a Cherokee by adoption.
Q She's a white woman, is she? A Yes sir.
Q How long have you lived in the Cherkee Nation? A I have been here mostly all of my life; haven't lived here all the time.
Q Born here? A No sir.
Q How long have you now been living nontinuously in the Cherokee Nation? A Six years.
Q Been here for the past six years? A Yes sir.
Q Were you ever admitted to citizenship by the Cherokee Commission or Council? A Yes sir, by the Chambers Court.
Q Have you a copy of the certificate? A Yes sir.
The applicant presents an official certificate from the Assistant Executive Secretary of the Cherokee Nation showing that certain persons were admitted, by what is known as the Chambers Court of the Cherokee Nation, to citizenship on the 26t of March, 1879.
Q Now you were admitted in March, 26th, 1879, and came here six years ago? A I came here first in 18[illegible]; that was when I first came here.
Q How long have you been making your home in the Cherokee Nation?
A Ever since 1884. I haven't been here continually.
Q Did you first move here permanently in 1884? A Yes sir; well, I came here as a boy.
Q Since you came here in '84, where have you spent part of the time out of the Nation? A In Texas.
Q You spent more or less of your time in Texas up to you say in 1[illegible]? A No sir, I spent most of my time here, was there twice.
Q How long did you stay there? A I was there 18 or 20 months.
Q You mean to say you were only out of the Cherokee Nation twice, and for eight or ten months at a time between 1[illegible] and 1894? A No, I was out of it more than twice, but that is the longest I stayed any one time.
Q Did you vote them in Texas? A No sir, I voted one time in the town election, city election.
Q How was that? A That must have been in [illegible] as well as I remember.
Q You never voted in any Congressional, State, or Presidential election? A No sir.
Q Did you vote in here in the Cherokee Nation? A Yes sir.
Q Always voted here? A Yes sir, always voted here when I was here.
Q Give me the name of your wife? A Rena.
Q How old is she? A 31.
Q When did you marry her? A [illegible].
Q Were you ever married except to her? A Yes sir, I was married once before.
Q How long were you married to this wife? A Yes sir.
Q Was your present wife ever married except to you? A No sir.
Q Have you certificate of marriage to your present wife? A The applicant presents a certificate showing that on the 6th of September, 1[illegible], he was married to Miss [illegible] Landers, license having been issued, and this document is returned to Vinita, page [illegible], Ft Gibson, Texas, and it is filed herewith.

Q Has your wife lived with yu ever since your marriage to her?
A Yes sir.
Q You married her in '91; when did you bring her to the Cherokee Nation, in '94? A In '94, yes sir.
Q She didn't come here with you until '94? A No sir.
Q In the meanwhile, she was living in Texas, was she? A Yes sir.
Q Have you any children born down there? A One.
Q What interests have you had in Texas between 1881 and 1894? A Didn't have any, only went there to work.
Q What kind of work? A Worked with a Cotton gin.
Q What interests; did you have any up here? A Didn't have any.
Q Trying to get interests here? A Yes sir, trying to get some here.
Q Give me the names of your children. A Oscar.
Q How old is that child? A Eight years old.
Q Give me the name of the next child. A Reana M.
Q How old is that child? A Six.
Q Give me the name of the next child? A Henry W.
Q How old is that child? A Two years old.
Q Have you a certificate of birth for Henry? A Yes sir.
Q These children all living now are they? A Yessir.
Q Where was Oscar born? A In Texas.
Q Where was Reana born? A Over here by Pryor Creek.
Q Born in the Cherokee Nation? A Yes sir, Cherokee Nation.
Q Where was Henry born? A He was born in the Cherokee Nation.
1896 roll: page 288, #5347, Robert L. Waybourne, Coowescoowee.
Q Has your wife been ontinuously in the Cherokee Nation since 1894? A Yes sir.
Q Did you apply to have her put on the roll of 1896? A Yes sir.
Q You gave in her name? A Yes sir.
Q Did they take in her name? A They said they could only enroll me and my children, but not my wife.
Q What reason did they give? A They said that they wouldn't enroll white women unless they were married here.
Q They refused to enroll her on the ground that she was married outside? A Yes sir. I think that is it.
Q What time did you come here with your family in 1894? A April 20th, I believe.
Q What condition was attached to your admission by that Chambers Court; were you required to come here within a certain time? A No sir.
Q Are you sure of that? A That's what I am told. We got a certificate when we were admitted and my brother had it and lost it.
Q You haven't a copy of the original? A No sir, it was lost.
1896 roll, page 288, #5348, Oscar Waybourne, Coowescoowee.
1896 roll, page 288, #5349, Reana Waybourne, Coowescoowee.

Commissioner-

The applicant applies for the enrollment of himself, his wife, and three children. He is shown to be on the list of persons admitted by the Chambers Court in 1875 as set forth in the testimony. He states that he has considered the Cherokee Nation his home since 1884, that is to say he came here in 1884, and has been here from time to time until 1894, when he moved here permanently and resided here ever since. He is identified on the roll of 1896. For the further consideration of the condition under which he was admitted and the question of residence, his application for enrollment will be placed upon a doubtful card, he being claimed as a Cherokee by blood. He married his wife in 1891 in the State of Texas, and she has lived with him ever since. He has been three previously married, but states that wife was dead when he married his present wife, and she was never previously married. She is not identified on the roll of 1896, but as that is entertained of

3- R.L.W.

her having lived with her husband since 1894. As she has never been married within the limites of the Cherokee Nation, and as he states her enrollment in 1896 was refused upon that ground by the Cherokee authorities, she will be listed upon a doubtful card as a Cherokee by adoption, to consider further the effect upon her civil rights of her non-marriage within Cherokee borders. The two older children are identified with their father on the roll of 1896; all are living now, and will be listed as Cherokees by blood on a doubtful card, and when a certificate is filed of the birth of the youngest child, Henry W., he also will be listed as a Cherokee by blood on a doubtful card.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 25th day of October, 1900.

Notary Public.

Cherokee-D- 698

M A R R I A G E C E R T I F I C A T E.

STATE OF TEXAS COUNTY OF MONTAGUE.

This instrument witnesseth that on the 5th day of Sept. AD. 1891 there was issued out of the office of the Clerk of the County Court of said County, a License for the marriage of Mr. Robt. L. Waybourn and Miss Emma Landers and on the 6th day of Sept. A. D. 1891 said parties were legally united in Marriage by a properly authorized person, named in said License and due return thereof made to this office in the manner and form required by law, all of which is duly entered upon the Marriage Records of my office in Vol. D. Page 383.

(SEAL) Witness my hand andofficial seal at my office in Montague Texas on this the 9 day of August A.D. 1897.

M. J. Davis,
Clerk County Court Montague County
Texas.
By W.C. Strong, Deputy.

I the undersigned stenographer to the Commission o the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Robert L. Waybourn et. al. as citizens of the Cherokee Nation.

Muskogee, Indian Territory,
May 23, 1902.

R

C. D-698

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 7,1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Robert L. Wayborune for the enrollment of himself, wife and children as Cherokee citizen.

Appearances:
Joe M. Lahay, Claremore, I. T., attorney for applicants;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant and his attorney were notified by registered letter February 17,1902, that the application of Robert L. Waybourne for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 7th day of March,1902. Receipt has been acknowledgedof the Commission's letter, both by the applicant and by his attorney. The applicant this day to-wit: the 7th day of March,1902, appears by his attorney, Joe M. Lahay.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, and same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee nation.

I, J.J.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Cherokee D-698.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 2nd, 1900.

In the matter of the application of Robert L. Waybourn for the enrollment of himself and children, Oscar, Rena M., Henry W. and William F. Waybourn, as citizens by blood, and for the enrollment of his wife, Emma, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Robert L. Waybourn.
Q What is your age? A 35.
Q What is your postoffice? A Pryor Creek.
Q What is your wife's name? A Emma WAybourn.
Q What was her maiden name? A Lanthrum.
Q How old is she? A 31.
Q Is she the same Emma Waybourn for whom application was made to this Commission on October 25, 1900 for enrollment as an intermarried citizen? A Yes sir.
Q Where were you and Emma Waybourn married? A 1891 I believe.
Q Were you ever married prior to your marriage to her? A Yes sir.
Q How many times? A Once.
Q What was that wife's name? A Her name was Emma Thompson.
Q Is she living or dead who you married this wife? A She was dead.
Q Was Emma Waybourn ever married prior to her marriage to you?
A No sir.
Q Is she living as an intermarried citizen by virtue of her marriage to [illegible]? A Yes sir.
[illegible] lived together as husband and wife
[illegible] you were married? A Yes sir.
[illegible] never been separated? A No sir.
Q Has she ever been married by other marriage since her marriage to you, has
[illegible] A No sir.
Q Were you and she living together as husband and wife on the first day
[illegible], 1900? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Most all of
my life, but especially for the last [illegible] years.
Q Is your wife Emma and your children Oscar, Rena, Henry W. and
William F. all living at this time? A Yes sir.
Q Is Rena a minor? A Yes sir.
Q What is her age? A [illegible].

[illegible]

[illegible]

Executive Office Cherokee Nation,

Tahlequah I.T.

the Cherokee Nation do hereby certify that the following named
persons: W.L.Weaver, M.M. [illegible], J.F.Wagoner, Levy J.M[illegible]

Executive Office Cherokee Nation,

Tahlequah I.T.

I, B.W.Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the Following named persons: W.L.Wayburn, M.M.Wayburn, J.F.Wayburn, Lucy J.Wayburn, L.W.Wayburn, R.L.Wayburn, Betsy Ann Wayburn, Martha A.Wayburn, and Mary Alice Wayburn shows on the Citizenship records of what is known as the "Chambers Court" of the the Cherokee Nation, to have been admitted to Cherokee citizenship on the 26th day of March 1879; that said record is filed in this office and is in my custody.

Given under my hand and the seal of the Cherokee Nationthis the 23rd day of October 1900.

Assistant Executive secretary,

Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF INDIAN AFFAIRS
FILED
JAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

R'

Muskogee, Indian Territory, January 18th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of R. L. Waybourn for enrollment as a citizen of the Cherokee Nation.

D.#698.

Cher. D-698.

Tahlequah, Indian Territory, November 12, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

There is enclosed herewith the complete record in the matter of the application of Robert L. Waybourn, et al, for enrollment as Cherokee citizens, Cherokee D-698.

There is a note attached, by Mr. Pixby, to the decision heretofore prepared, that residence in the Cherokee Nation on June 28, 1898, has not been satisfactorily established. Neither of the applicants have yet appeared at the Cherokee Land Office so that testimony could be taken, and it is believed that under the recent holdings of the Department further testimony as to residence is unnecessary.

Inasmuch as one of the applicants is an intermarried white, the record is transmitted for your consideration and appropriate action.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

Enc. C-20.
JOC.

Tahlequah, Indian Territory. May 18, 1904.

Commission to the Five Civilized Tribes,

(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith original Cherokee doubtful cards as follows:

Cherokee D-297	[illegible]lis
Cherokee D-698	Emma Maybourn
Cherokee D-856	Annie Garrett
Cherokee D-1021	Guss Caldwell
Cherokee D-1179	Janie Hughes

Decisions have heretofore been rendered in these cases and all applicants except intermarried applicants, transferred as indicated by notes on the cards.

There is also returned herewith to be retained in the office at Muskogee until decisions can be prepared as to the intermarried applicants, the records in the above cases, also the record in Cherokee D-611, Samuel A. Ballard, et al.

Respectfully,

Commissioner in Charge
Cherokee Land Offices.

MSP
Lbal D-178.

Cherokee Non
D. 698

Muskogee, Indian Territory, January 10, 1907.

Emma Waybourn,

Pryor Creek, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Incl. Decn. D —

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION.

THE RECORDS OF THIS OFFICE SHOW That prior to October 31 1902 applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names viz

James Watson	1
[illegible] W. [illegible]	8
Lena Severs	[illegible]
Sarah F. [illegible]	[illegible]
Joseph Herberger	[illegible]
[illegible] Hosmer	[illegible]
William W. Barnes	48
[illegible] Ward	54
[illegible] A. [illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible] M. [illegible]	[illegible]
[illegible]	[illegible]
William H. Lloyd	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Mary A. [illegible]	[illegible]
[illegible]	283

Scott Harless	294
[illegible]	307
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Vester C. Martin	[illegible]
William Gingaby	[illegible]
William J. Langer	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Maggie [illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
William H. [illegible]	[illegible]

Mary Pettit	977
Bettie Mitchell	985
John J Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Roxie Shepard	1128
Robert G Elgin	1136
William Hall	1137
Mary Ella [illegible]	1141
[illegible]	1149
[illegible]	1157
[illegible]	1225
[illegible]	1254
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Millie Morton	1554
Andrew Walters	1573
John H Holder	1610
Mary M Burr	1612
Thomas E Bonham	1644
Florence Headrick	1663
Daisy B Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J Mounts	1734
James D Alexander	1745
Willis F Miles	1769
[illegible]	1781
[illegible]	1796
[illegible]	1802
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[illegible]	1999
[illegible]	2000

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2827
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wa[illegible]	2926
John B. La[illegible]	2959
Lula O. H[illegible]	2962
Bell L. M[illegible]	[illegible]
Lena O. F[illegible]	[illegible]
Margaret [illegible]	[illegible]
W[illegible] S. N[illegible]	[illegible]
Benjamin F. B[illegible]	[illegible]
Mollie D[illegible]	[illegible]
Charles H. [illegible]	[illegible]
Ada A. [illegible]	[illegible]
[illegible] Allen	[illegible]
W[illegible] B. Cox	[illegible]
[illegible] E. [illegible]	[illegible]
Jesse M. [illegible]	[illegible]
Martha D. [illegible]	[illegible]
Artie D. [illegible]	[illegible]
Andrew A. [illegible]	[illegible]
Annie B. [illegible]	[illegible]
Lena Henderson	[illegible]
Harold H. [illegible]	[illegible]
Jennie Fleming	[illegible]
Robert L. [illegible]	[illegible]

William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Hutt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Hetrel	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Stre[illegible]	3692
Andrew J. Mc[illegible]	3713
Sarah [illegible]ower	3731
W[illegible] P. C[illegible]	3758
Robert L. M[illegible]	3761
Mary[illegible] M[illegible]	3795
[illegible] R. [illegible]	3811
[illegible] A. W[illegible]	3841
[illegible] [illegible]	3858
[illegible] M. W[illegible]	3880
Mary J. W[illegible]	3889
[illegible] [illegible]	3893
M[illegible] L. [illegible]	3897
[illegible] W[illegible]	[illegible]
W[illegible]	[illegible]
W[illegible] W. [illegible]	3944
M[illegible] M. M[illegible]	[illegible]
[illegible] [illegible]	[illegible]
W[illegible] H. [illegible]	[illegible]
[illegible] [illegible]	[illegible]
W[illegible]	[illegible]
Martha M. [illegible]	[illegible]
[illegible] [illegible]	[illegible]
[illegible] [illegible]	[illegible]
[illegible] [illegible]	[illegible]
[illegible] H. [illegible]	[illegible]
W[illegible] H. W[illegible]	[illegible]
[illegible] [illegible]	[illegible]

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H Gibson	4327
John McFall Jr	4343
Albert W [illegible]	4360
George S [illegible]	4386
[illegible] Carr	4387
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Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Bellew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Lantz	6560
James McInerney	6561
Fannie Carlile	6578
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Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tobie	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Parnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
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Willie Hinderbrand	7015
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Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary L Foreman	7158
Alma West	7159
James M Connally	7161
Frances M Crowell	7163
Lannie L McClure	7171
Benjamin B Graham	7176
Ada Pharr	7180
William L Wheeler	7184
Frances B Perry	7191
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James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
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Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Eder[illegible]	9916
William H. Hol[illegible]	9920
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Ida L White	10026
Addie B Miller	10027
William R Condry	10028
James D Canary	10029
John Kelley	10031
Kate Craig	10033
John A Butts	10034
John J Dameron	10035
William Warner	10036
George A Allen	10037
Wayne Shetley	10038
John E Carter	10039
John M Boyd	10043
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Darius B Troth	10049
Harry A Kelley	10050
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Edward H Fitzgerald	10115
John T Packard	10117
Charles Rams	10118
Nancy Mayfield	10123
Anna B Tittle	10124
Richard A Clark	10126
Emma B Martin	10128
Walter L Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jackson M Washburn	10138
Minnie Short	10139
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Henry C. Reed		10224
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George A Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T Kiddy	D	108
Henry C Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
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Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Gunn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1005
Thomas J. Welch Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1084
Laura D. Henson	D	1085
Hettie F. Downing	D	1086
Benjamin L. Cline		
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Carl A. Hayes		
Paul Shelton		
Jas. N. Tomlinson		
Nathan J. Williams		
Lynn L. Gilbert		
Wm. Armstrong		
William Thompson		
Thomas W. Cobb		
Chas. Cooper		
Augustus Vanderford		
Silas Jones		

Ella Vann	D	1320
Lunnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Mary Payne	D	1369
Isaiah H. Watson	D	1375
Minnie Major	D	1435
S. L. Meeks	D	1451
Addie Schumacher	D	1448
Lucian Akers	D	1458
Margaret Bickers	D	1471
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Bertha Lardner	D	2718
Lula Mote	D	2722
John D. Mattox	D	2723
Mary McIntosh	D	2725
Bertha Nichiffer	D	2730
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Irene Rutes	D	2739
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Julian Wyrick	D	3093
Samuel Harlan	D	3157
Lizzie Pharis	D	3171
Jack Michael	D	3172
Sarah E Davis	D	3176
Grace Guthrie	D	3181
Mary E Thornton	D	3183
Minnie Thompson	R	4
Jennie G Thompson	R	5
William F Kelly	R	10
Anne Terrell	R	19
Rosetta McLaughlin	R	41
Martha A Perdue	R	45
Gabriel L Payne	R	61
Della Baldridge	R	105
Samuel Richey	R	107
Malissa Fields	R	144
Fred Zimmerman	R	220
Ella Anspach	R	241
Michael R. Mizer	R	266
Belle A Powell	R	352
Austin L Hill	R	420
Mary L Dudley	R	439
Stephen Hazlett	R	465
Mary A Payne	R	484
Rebecca Benge	R	563
Sarah Wilson	R	613
Dora Crane	R	628
Andrew Sitrell	R	642
John Sitrell	R	642
Lillie May Wilson	R	643
Ollie A Barger	R	656
Ida Hawkins	R	671
Lizzie Davis	R	761
Clara M Emmons	R	803

Cherokee D698

Muskogee, Indian Territory, March 14, 1907.

Emma Weybourn,

Pryor Creek, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 16, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.5-Ind.
WMC

Cher R 1148

Trans from Cher D 703

Cher R 1148

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 25th 1900.

In the matter of the application of George W. Green for the enrollment of himself, ~~wife~~ and children as Cherokee Citizens. He being sworn testified before the Commission as follows:

Q What is your name? A. George W. Green.
Q How old are you? 54.
Q What is your post office? A. Kelso, I. T.
Q Is Goowescoowee your district? A. Yes sir.
Q Do you apply for the enrollment of yourself and family? A. Yes sir
Q. Have you a wife? A. Yes sir, had one but she is dead.
Q How many children? A. Have ~~one~~ only that I want enrolled.
Q Are you a Cherokee by blood? A. No sir.
Q By intermarriage? A. Yes sir.
Q When were you married? A. In 1873.
Q To whom were you married? A. Jennie Blythe.
Q Is she dead? A. Yes sir.
Q When did she die? A. In 1875.
Q Was she a Cherokee? A. Yes sir.
Q Have you re-married since her death? A. Yes sir.
Q To whom? A. Victoria Seymore.
Q Is she a Cherokee? A. Yes sir.
Q Is she living? A. Yes sir.
Q When did she die? A. In 1886.
Q Have you re-married since her death. A No sir.
Q Were you married to your wife Victoria in 1880? A. Yes sir.
Q Give me the name of your child. A. Evelyn V.
Q How old is this child? A. 18 next month.
Q She is living now is she? A. Yes sir.
Q Have you been admitted by the Cherokee Commission? A. No sir.
Q Have you lived in the Cherokee Nation ever since your marriage in 1873? A. No I have been out occasionally; was out in '78, '79, and part of '80.
Q You were not on the roll of 1880; when you came back did you apply to the Cherokee Commission for re-admission? A. My wife did.
Q Your wife Victoria? A. Yes sir.
Q When was it you married her? A. 1886.
Q Was she admitted? A. Yes sir.
Q Have you a certificate of her admission? A. Yes sir.

[illegible] an official copy of a decree in favor of the Cherokee Commission by Judge Parker, dated June 18th of January 1900, in which case he was admitted to citizenship in the Cherokee Nation. While engaged in official evidence of her admission at that time, which is returned to the office.

Q When you were married previous to the admission, where were you married? A. In Ft Smith.
Q You had been out of the Nation for some years then? A No
Q And not been at that time.
Q But you still say the same years after that and are not on the roll of 1880. A. Yes sir.
Q Have you any evidence of your having been married to your first wife Jennie Blythe? A. The Government records certificate showing that we were married at Tahlequah, I. T., on the 22nd of December 1873 to Jennie Blythe by the Rev. Hamilton Palmerine. This is an illegible certificate and is returned to the applicant.
Q That is simply a certificate, have you no license? A. No sir.
Q Did you have not a Cherokee license to marry that wife? A. Yes sir

Q What did you do with it? A. I dont know.
Q Can you supply an official copy of that license? A. I think so, I think I can get it from the books at Tahlequah.
Q Was it in 1873? A. Yes sir.
Q And then you went out of the Cherokee Nation soon after that? A. In 1877.
Q When did you come back? A. In 1878
Q How long did you stay? A. 5 or 6 months.
Q In the mean while you had re-married? A. ~~Xxx~~ No response.
Q Where did you go? A. To Ashgrove, Missouri.
Q Did you go into business there? A. Yes sir.
Q Did you take your effects with you? A. Yes sir except some buildings at Vinita.
Q You were not here in 1880? A. No sir.
Q Were you ever re-married to your last wife under the Cherokee laws? A. No sir.
Q Have you lived in the Cherokee Nation with your last wife ever since she was admitted in 1882? A. Yes sir up to the time of her death.
Q When did she die? A. In 1886.
Q Have you continued to live in the Cherokee Nation since 1886? A.Yes sir.
Q Not been out of the Territory to live in any way since then have you? A. No sir.
Q Your last wife is the mother of the child for whom you apply is she? A. Yes sir

1896 roll, page 573, No307, George W. Green, Deleware Dist. Adpt.White
1896 " 473 1256, Evelyn Victoria Green " "

The applicant applies for the enrollment of himself and one child. The childs mother is shown to have been admitted to citizenship by the Cherokee Commission in 1882; she lived in the Cherokee Nation from the time of her admission until her death. The child is identified on the roll of 1896, is living now and will be listed for enrollment as a Cherokee by blood. The applicant presents a certificate but not a license, showing that he was married to his first wife in 1873. There is no present means of determining whether she was a Cherokee woman, and if she was, the applicant does not present a Cherokee license. He is desired to procure an official copy of the license that he procured at that time and to supply the Commission with that evidence. After the admission of that wife, which was some two years after their marriage, he went out of the Cherokee Nation, as shown by the testimony, and resided for some time. While out of the Cherokee Nation he re-married. He came back to the Cherokee Nation after the roll of 1880 was made. He is not upon that roll. In 1882 his second wife was admitted to citizenship by the Cherokee Commission, but applicant did not marry her again under the Cherokee law. He states that he has lived in the Cherokee Nation ever since his return shortly after the roll of 1880 was made, but it is not established that he acquired a right to citizenship by his first marriage and it is not shown that if he did acquire that right he lost it by moving out of the Cherokee Nation, and if he lost it he did not regain it by his second marriage. He is identified on the roll of 1896 and he will be carded at present on a white card as an inter-married Cherokee for further consideration of the facts and the final decision of the Commission will be made known to him at his post office address.

.....

Q What was the name of your first wifes mother? A. Jemima Blythe.

1880 roll, page 64, No. 138, Jemima Blythe, Cooweescoowee, I. T.

Q Was she the first that [illegible]

[redacted]

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 25 1900 1900.

Name George W. Green, Kelso I.T.

District DELAWARE Year 1896 Page 373 No. 207

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage (1873) (1877)

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Doubtful

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Doubtful

Say: she began to marry prior wife
Not enrolled,

D. 703

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 8 1902

COMMISSION ON CITIZENSHIP

Case 21- Tahlequah C N Jan 21st 1880

Victoria Semore Green)
vs.) Petition for Citizenship
Cherokee Nation)

The above case continued by the consent of parties until the September term 1880.

The above case continued until January Term 1881 by Plaintif

The above case continued by consent of both parties October 3r 1881

January 9th 1882

The above case set for trial on the 23rd day of January 1882 ~~by consent of parties~~.

January 28th 1882

And now this case coming on for final hearing and all the testimony produced in the case on both sides being carefully read and duly considered; and the fact that the Claimant is a Cherokee by blood being clearly proved by the testimony, and being undisputed by the Defendant; and the defense being rested wholly upon the allegation that Claimant took a reservation on the Neutral Land under the provisions of the treaty of 1866, thereby parting with her rights to Cherokee citizenship; and said defense having been found to be unsustained by the evidence; it was adjudged by the Commission on Citizenship that the Claimant, Victoria Seymore Greene is a Cherokee by blood, and that she is entitled to all the rights and priviliges of Cherokee citizenship within the Cherokee nation; and that she should be, and she is hereby admitted to the full and perfect enjoyment of the same within the Cherokee nation in all respects as completely as a native born Cherokee.

Thos. Tehee, Pres. of Com.
Alex. Wolfe) Commis-
T. T. Thompson,) sioners.

D. W. C. Duncan
Clerk

:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:I:

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 10, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 10th day of November, 1902.

Notary Public.

R

C. D-703

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 7,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of George W. Green for the enrollment of himself as a Cherokee citizen.

Appearances:
Applicant in person;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 17,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 7th day of March,1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 7th day of March,1902, appears in person.

GEORGE W. GREEN, being first duly sworn and being examined testified as follows:
BY COMMISSION:

Q What is your name? A George W. Green.
Q How old are you, Mr. Green? A 56.
Q What is your post-office address? A Kelso, Indian Territory.
Q You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A Yes sir.
Q What is the name of your present wife? A She is not living now, Victoria Seymour Green.
Q What was her maiden name? A Seymour.
Q You were married before you married her? A Yes sir.
Q What was the name of your first wife? A Jennie L. Blythe.
Q Was it Jennie L. Blythe or Lovely J. Blythe? A I have it Jennie L. That is the same person.
Q Was she sometimes called Lovely J.? A Yes sir.
Q You were married to your first wife in '71? A Yes sir.
Q Did you live with her until she died? A Yes sir.
Q You were married to her before she was admitted to citizenship A Yessir No sir.
Q After her admission? A No, before she was admitted, my first wife.
Q She was living here at that time? A Yes sir.
Q You were married to your second wife after she was admitted to citizenship? A No sir.
Q Before she was admitted to citizenship? A Before she was admitted to citizenship, she was living here but her right was disputed after we were married and she was re-admitted.
Q Is there any other statement you desire to make relative to your enrollment? A I believe you wrote me to file the papers of my second wife's admission to citizenship.
Q Have you those papers with you? A No sir, I wrote to the Executive Commissioner for them and they said pushed the books here.

BY COMMISSION: It appears from the records of the Cherokee Commissioner on Citizenship, page 81, case No.81, that Victoria Seymour Green filed a petition for citizenship in the Cherokee nation at Tahlequah, on the 31st day of January 1880.

The above case (Victoria Green vs Cherokee Nation) continued by consent of parties until the September Term,1880.

The above case continued until January Term,1881, by plaintiff.

The above case continued by consent of both parties October 1,1881.

D 703 2

January 28,1882.

And now this case coming on for final hearing on all the testimony produced in the case, and both sides being carefully read and duly considered; and the fact that the claimant is a Cherokee by blood having been clearly proved by the testimony, and being undisputed by the defendant; and the ~~defendants~~ defense being rested wholly upon the allegations that the claimant took a reservation on the neutral land under the provisions of the treaty of 1866, thereby parting with her rights to Cherokee citizenship, and said defence having been found to be unsustained by the evidence; it was adjudged by the Commission on Citizenship that the claimant, Victoria Seymour Green, is a Cherokee by blood, and that she is entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that she should be and she is hereby admitted to the full and perfect enjoyment of the same within the Cherokee Nation in all respects as completely as native born Cherokees.

Thomas Tehee, President Commission,
Alex Wolf,
T.F.Thompson, Commissioners.

Attest: W.C.Duncan, Clerk."

Q Any further statement you desire to make? A Nothing further.
Q You submit the case to the Commission for final consideration?
A Yes sir.

BY COMMISSION: The applicant and the representative of the Cherokee Nation present submit the case and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

I, M.J.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Cherokee D-703.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 8, 1902.

In the matter of the application of George W. Green for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A George W. Green.
Q How old are you? A Fifty-six.
Q What is your postoffice? A Kelso, Indian Territory.
Q You are a white man are you? A Yes sir.
Q Are you the same George W. Green who made application to this Commission in October, 1900, to be enrolled as an intermarried citizen? A Yes sir.
Q What is the name of the wife through whom you claim your citizenship? A Both of my wifes were Cherokees.
Q Who are you claiming through, your first or second? A I claim I have never forfeited my right.
Q Then you claim through your first wife then? A I suppose so, that is the way.
Q What is the name of your first wife? A Jennie L. Blythe.
Q When did you marry her? A In 1873.
Q Was she a Cherokee by blood? A Yes sir.
Q How long did you live with her? A I lived with her about thirteen months.
Q Did she die? A Yes sir.
Q Lived with her in the Cherokee Nation? A Yes sir.
Q Who did you next marry? A Victoria Seymore.
Q Was she a Cherokee by blood? A Yes sir.
Q When did you marry her? A In 1877.
Q How long did you live with her? A Nine years.
Q Is she dead? A Yes sir.
Q You lived with her all the time from the time you married her up until her death? A Yes sir.
Q You also lived with your first wife from the time you married her until her death? A Yes sir.
Q Did you marry your first wife under a Cherokee marriage license? A Yes sir.
Q But not your second wife? A No sir.
Q You filed your license and certificate with this Commission have you? A Yes sir.
Q You are not on the roll or land are you? A No sir.
Q How long have you lived in the Cherokee Nation altogether? A Since 1877.
Q Since your marriage to your first wife? A Yes sir.
Q You never have made your home outside of the Cherokee Nation? A Not permanently, I was out on account of my second wife's health, a couple of times.
Q But since the death of your second wife you never have been out of the Cherokee Nation? A No sir.
Q You never have married since the death of your second wife? A No sir.
Q You are still a widower? A Yes sir.
Q Have you any children? A Yes sir.
Q How many have been admitted to them? A Yes sir.
Q Any of them died since you enrolled them? A No sir.

George W. Green.

C. Mams: Where were you married to your first wife? A In Vinita, by James R. Harlan.
Q Was he Clerk of Delaware District at that time? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rutherford

Subscribed and sworn to before me this 5th day of November, 1903.

R. O. Jones
Notary Public.

F.R. Cherokee D-703.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 10, 1907.

In the matter of the application for the enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation.

George W. Green being first duly sworn by Frances R. Lane, a Notary Public for the Western District, Indian Territory, testified as follows:

Applicant represented by George E. Mc. Culloch, Attorney at Law, Vinita, Indian Territory.

By the Commissioner:
Q What is your name? A George W. Green.
Q What is your age? A Sixty-one.
Q What is your postoffice address? A Wagoner, I. T.
Q You claim to be a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Through whom do you claim such citizenship? A Lovely J Blythe.
Q Was Lovely J. Blythe a citizen of the Cherokee nation?
A Yes sir.
Q When were you married to Lovely J. Blythe? A On the 23rd of November, 1873 I think it is.
Q Was that marriage under a license of the Cherokee nation
A Yes sir.
Q Have you a certified copy of the license with you? A Yes.

Applicant presents certificate executed by A. F. Cunningham, Assistant Executive Secretary of the Cherokee Nation, dated March 3, 1902, showing that George W. Green was licensed to marry Lovely J. Blythe, a citizen of the Cherokee Nation on November 22, 1873, and that the license was executed and returned December 1, 1873. Said certificate further shows that said license was filed for record in Delaware District, Cherokee Nation in Book marked C.

Said certificate is attached hereto and made a part of the record in this case.

Q Is your wife, who was formerly Lovely J. Blythe, living at this time? A No sir.
Q When did she die? A January 8, 1896.
Q Had you ever been married prior to the time of your marriage to Lovely J. Blythe? A No sir.
Q Had Lovely J. Blythe ever been married prior to the time she was married to you? A No sir.
Q Have you married since the death of your wife Lovely J. Blythe. A Yes sir
Q What is the name of your second wife? A Victoria Seymour
Q Is Victoria Seymour a citizen of the Cherokee Nation?
A Yes sir.
Q When were you married to her? A On the 3rd of October, 1896
Q Where were you married to her? A St Louis, Missouri.
Q Did you secure a license of the state of Missouri?
A No--I don't believe we got any license at that time. They don't require a license.

Q. Have you a certificate of that marriage? A Yes sir.
Applicant presents a certificate signed by O. N. Stewart, Pastor of Trinity Church, St. Louis, Missouri dated October 2, 1877, showing that George W. Green and Victoria Seymour were married by him in St. Louis on said date.
Said certificate of marriage is attached hereto and made a part of this record.

Q Did you return to the Cherokee Nation immediately after your marriage to Victoria Seymour? A I came in about three months I think it was. Married in October and came back here in January. I remember the year is 1878.
Q Upon your return to the Cherokee nation were you and Victoria Seymour remarried in accordance with the Cherokee laws? A No, we didn't consider that it was necessary as I was a citizen, and she was too.
Q You was a citizen by intermarriage? A Yes, and she was a citizen by blood. A cousin of my first wife.
Q After the death of your first wife did you live continuously in the Cherokee Nation up until the time of your marriage to your second wife? A Yes sir.
Q When did you leave the Cherokee Nation. A I was away part of 1898 until the spring of 1900, about 2 years.
Q Is your wife was was formerly Victoria Seymour, living now? A No sir.
When did she die? A September 2, 1[illegible].
Have you married since that time? A No sir
Have you resided in the Cherokee Nation continuously since 1[illegible]? A Yes sir.
Q That your first wife, Lovely A. Blythe and your second wife Victoria Seymour, were enrolled by the authorities of the Cherokee Nation? A Yes sir. And I have two children that are on the roll.
Were Lovely A. Blythe and Victoria Seymour related?
Yes, they were cousins.
That made them cousins? A Yes sir.

[illegible] by Mr. Brierwood.
At the time you were married in 1877, did you receive your certificate of marriage from the minister that married you? A Yes sir.
Look at this instrument I have shown you and see what that is? A That is a certificate.
That the said Victoria Seymour is the same one you were commonly known as? A Yes sir.
Were present Mr. Ballentine, the one who officiated the marriage ceremony, and [illegible] A Yes sir.
[illegible] A Yes sir.
And [illegible] A Yes sir.
There is offered in evidence the marriage certificate of G. W. Green and Victoria Blythe, which is signed by [illegible], officiating clergyman, showing that George W. Green and Victoria Blythe were married according to the laws of the Cherokee Nation at Vinita, Indian Territory, December 27, 1877. This certificate is attached hereto and made a part of this record.

By Mr. Brierwood

By Mc. McCulloch:

Q You were married to Victoria Seymour in St. Louis, Mo.?
A Yes sir.
Q That was in 1877? A Yes sir.
Q At that time was your residence and home here in the Cherokee nation? A Yes sir.
Q And you stated that you were out of the Cherokee Nation about a year or two? A Yes sir.
Q Did you still have property interests in the Cherokee Nation? A Yes, I owned town lots in the Cherokee nation.
Q You never left the Cherokee Nation with the intention of abandoning it? A No sir.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this January 11, 1907.

Edward Kennedy

Notary Public.

F.R. Cherokee D-703.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, October 26, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of George W. Green, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 7, 1902, October 8, 1902 and January 10, 1907.

In the files of this case has been found what purports to be a decision undated and signed by but two of the members of the Commission to the Five Civilized Tribes. This decision has never been entered upon any of the records of the Commission or of the Commissioner. No notices have ever been sent either to the applicant or to the Cherokee Nation, and in all respects it seems to have been treated apparently as a decision which was prepared but never completed. It is presumed that said decision was prepared at about the time in March, 1903 when this office was advised by the Department to suspend all further action in the cases of intermarried whites pending the determination of their rights in the Court of Claims, to which they had been transferred.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, George W. Green, a white man, was married on November 23, 1879, according to Cherokee law, to one Lovely J. Blythe, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, and with whom the applicant resided in the Cherokee Nation until the death of said Lovely J. Blythe on January 5, 1899.

On October 8, 1902, the said applicant, George W. Green, was married, in the State of Missouri, to one Elizabeth Chumley, an allotted Cherokee by blood. [illegible] of the date of his marriage to the said Elizabeth Chumley [illegible] a recognized citizen of the Cherokee Nation and [illegible] become such a citizen until her readmission as a citizen by

January 28, 1882.

Section 666, Compiled Laws of the Cherokee Nation (1892), provides in part as follows:

> "Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, be left a widow or widower, by the decease of the Cherokee husband or wife, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case all of his or her rights acquired under the provisions of this Act shall cease."

In view of the foregoing provisions of Cherokee law, it is considered that the applicant, George W. Green, forfeited whatever rights he may have acquired by his marriage to his Cherokee wife, Lovely J. Blythe, by his subsequent marriage to Victoria Seymour Green, who was not at the time of said marriage a recognized citizen of the Cherokee Nation of Cherokee blood, and that the subsequent admission of his wife to citizenship in the Cherokee Nation did not operate to reinvest the applicant with the rights of an intermarried citizen which he had already forfeited.

IT IS THEREFORE ORDERED AND ADJUDGED: that the purported decision undated and uncompleted, which has already been referred to herein, be, and the same is, hereby cancelled, and that in accordance with the decision of the Supreme Court of the United States, dated November 6, 1905, in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, [illegible] and [illegible], the said applicant, George W. Green, is not entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

[illegible]

Dated at Muskogee, Indian Territory,

this _____

Cherokee D-703.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation.

|| || || || || || || ||

D E C I S I O N.

--:o:--

The record in this case shows that on October 25, 1900, George W. Green appeared before the Commission at Claremore, Indian Territory, and made personal application for the enrollment, among others, of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 7, 1902, and on October 8, 1902. The other party to the application is differently classified, and is not embraced in this decision.

The evidence shows that the said George W. Green was lawfully married, under authority of a Cherokee marriage license, on November 23, 1873, to one Lovely J. Blythe. The applicant's said wife died about the year 1875. A certificate relative to the issuance of the marriage license recites that Lovely J. Blythe was a citizen of the Cherokee Nation.

The said George W. Green is identified on the 1896 Census Roll of the Cherokee Nation.

Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666 of the Compiled Laws of the Cherokee Nation (1892) is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

Cherokee D-703, # 2.

The evidence in this case shows that the applicant secured rights of Cherokee citizenship through intermarriage with his wife, Lovely J. Blythe; that, subsequent to her death, he married Victoria Seymore, a Cherokee citizen by blood, who was admitted to citizenship by the Cherokee authorities on January 28, 1882; she died in 1886, and since the death of his wife, Victoria, he had not remarried up to and including September 1, 1902.

The evidence further shows that George W. Green has resided continuously in the Cherokee Nation since 1886, up to and including the date of this application.

It is, therefore, the opinion of this Commission that George W. Green should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898,(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

EXECUTIVE DEPARTMENT

CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

This is to certify that George W.Green, a citizen of the U.S. was licensed to marry Lovely J.Blythe, a citizen of the Cherokee Nation on November 22 -1873, and the license was executed and returned Dec.1-1873; In conformity with the act entitled "An Act to provide for the licensing of citizens of the United States to intermarry with citizens of the Cherokee Nation" Approved Dec.15-1855.

J.E.Harlin,
Clerk Dist. Court, Del. Dist. C.N.

I, A.B.Cunningham, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the above and foregoing is a true and correct copy of the record of marriage of George W.Green and Lovely J.Blythe as copied from the marriage record of Delaware District, Cherokee Nation, marked "Book B" Said record by an act of the National Council entitled "An act authorizing and directing the transfer of certain records to the Executive Department, and making them a part thereof", being a part of the records of this office and in my custody.

Int testimony whereof, I hereunto set my hand and affix the seal of the Cherokee Nation this the 3rd. day of March, 1908.

A.B.Cunningham
Asst. Executive Secretary.

This is to Certify

That on the second day of October

IN THE YEAR OF OUR LORD

One thousand eight hundred and seventy three

at the parish in the City of St Louis

in the State of Missouri

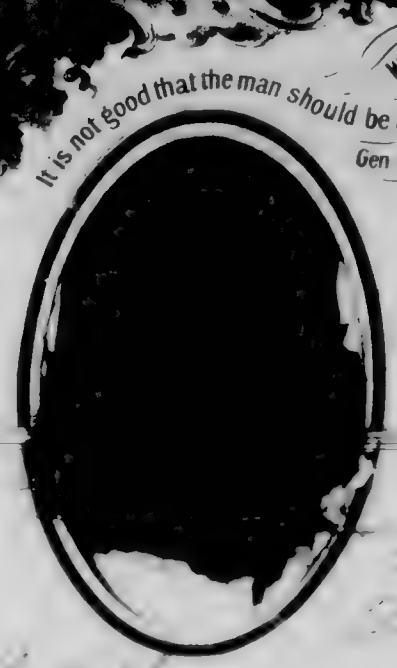
I Joined together in Holy Matrimony

[illegible]

It is not good that the man should be alone.
Gen 2 18.

What therefore God hath joined together, let not man put asunder.

I will make him an help meet for him.
Gen. 2 18.

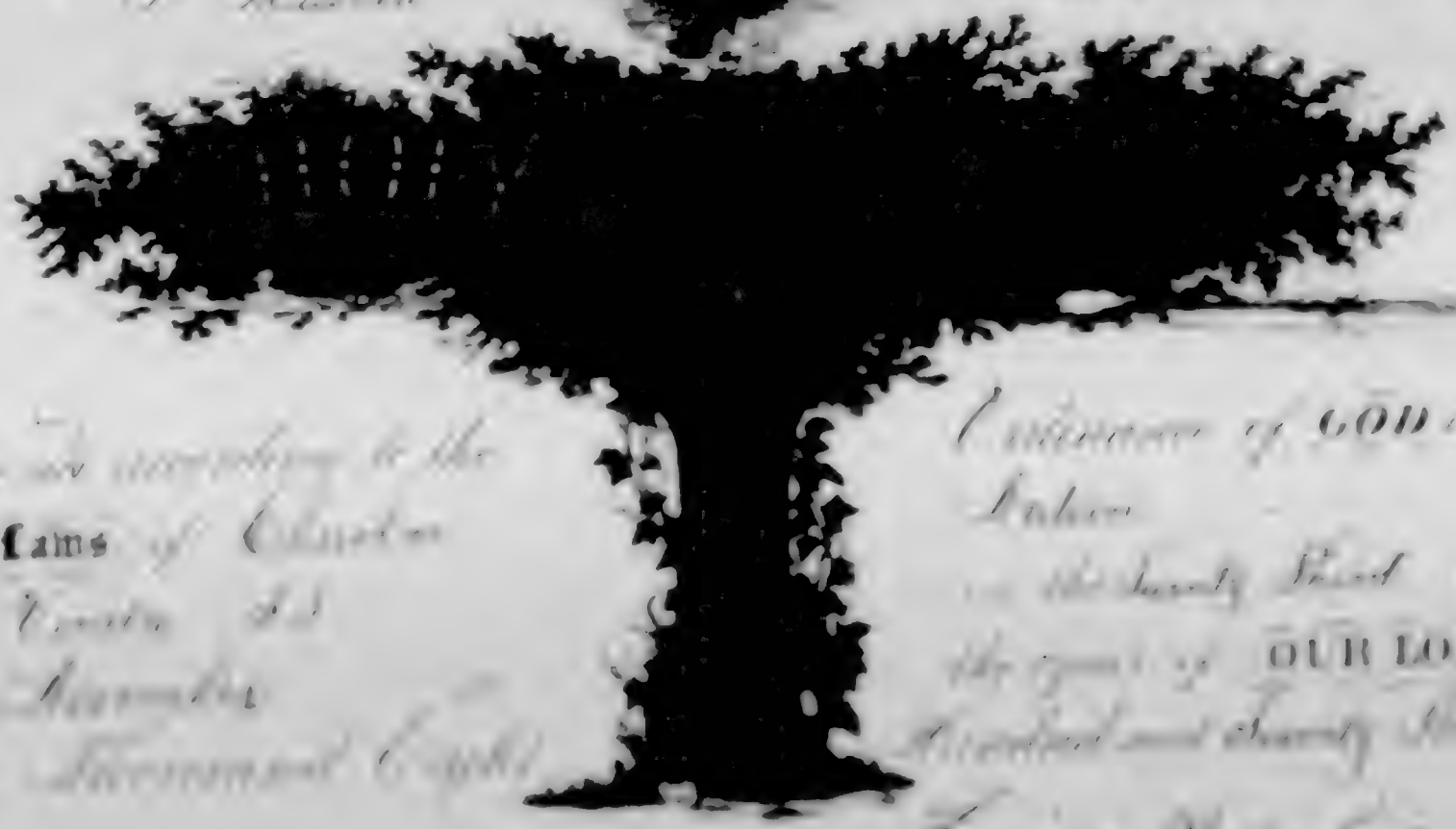




This Certifies

That

AND



AD

AD703

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 24 1902

COMMISSIONERS:
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

Mr. George W. Green,

Kelso, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the seventh day of March, 1902.

On said date, you may if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representative of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representative will be required to notify [illegible] their intention to introduce such testimony before they will be permitted to [illegible]

You are required to supply the Commission with certificate of readmission of your deceased wife Victoria, to Cherokee citizenship.

[illegible]

[illegible]
Secretary.

[illegible]

Commissioner in Charge.

Cherokee
D 703

Muskogee, Indian Territory, January 9, 1907

George E. McCulloch,

Attorney for G. W. Green,

Vinita, Indian Territory.

Dear Sir:

Receipt is acknowledge of your letter of January 2, asking to be advised the status of the application of George W. Green for enrollment as a citizen by intermarriage of the Cherokee Nation.

In reply you are advised that the United States Supreme Court in its decision of November [redacted], 1906, held that white persons who intermarried according to Cherokee law with Cherokee citizens prior to November 1, 1875, are entitled to enrollment as citizens by intermarriage of the Cherokee Nation. If Mr. G. W. Green claims to be entitled to enrollment under the Court's decision he will be permitted to appear before the Commission at Muskogee, Indian Territory, at any time within the near future and

submit such testimony as he desires, relative to his marriage to his Cherokee wife by reason of his marriage to whom he claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation, and as to the date of his marriage.

The Act of Congress approved April 26, 1906, provides that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person as a citizen of the Cherokee Nation, after March 4, 1907, and the matter of his enrollment should therefore, receive immediate attention.

Respectfully,

L M P

Commissioner

Cherokee
D 708

COPY

Muskogee, Indian Territory, February 28, 1907

George W. Green,

Kelsey Indian Territory.

Dear Sir:

There is enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes dated February 28, 1907, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has been this day transmitted to the Secretary of the Interior for review. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

Tams Bixby
Commissioner

Encl. 2-92

Cherokee
D 703

COPY

Muskogee, Indian Territory, February 28, 1907

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes dated February 28, 1907, denying the application for the enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has been this day forwarded to the Secretary of the Interior for review. You will be advised of the action of the Secretary when this office is informed of the same.

Respectfully,

Commissioner

Encl. 2-93

2 M B

Muskogee, Indian Territory, February 28, 1907

The Honorable,

Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of George W. Green for enrollment as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner dated February 28, 1907, denying said application.

Respectfully,

Commissioner

Through the Commissioner of
Indian Affairs.

Encl. B-66

W B

Cherokee
D-703

Muskogee, Indian Territory, March 16, 1907.

George W. Green,

Kelso, Indian Territory,

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

Commissioner.

JM

Cherokee D-703 CC-1

Muskogee, Indian Territory, March 18, 1907.

George E. McCulloch,
Attorney for George W. Green,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. E-18
JMK

Cherokee D-703

COPY

Muskogee, Indian Territory, March 18, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. H-13
JMM

D.C.13264

COPY

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P. W.E.M.

LRS
I. T. D.
8018,8 10,8016,8024,
all 1907.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of Case.	Date of your letter of transmittal.
[illegible] Blood,	February 28, 1907.
Fannie Inge, et al. (freedmen),	February 28, 1907.
Margaret Fielding (freedman),	February 8, 1907.
Henry Harris, et al. (freedmen),	February 28, 1907
Sarah E. Davis(by intermarriage)	February 26, 1907.
Alexander Ward, et al. (freedmen),	February 28, 1907.
Tizzie Fields (freedman),	February 27, 1907.
[illegible]rge W. Green (by intermarriage),	February 28, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

4 enclosures, and
14 enclosures to Ind. Off.,
with copy hereof.

Land. COPY
21,950-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 4, 1907.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for enrollment of George W. Green as a citizen by intermarriage of the Cherokee Nation.

The name of the applicant does not appear on the authenticated tribal roll of the Cherokee Nation for 1880 and the record in his case does not show that he is entitled to enrollment under the present laws andholdings of the Department, and it is therefore recommended that the adverse decision of the Commissioner be approved.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

(F.H.H.)F.

Cher R 1149

Trans from Cher D585

Cher R 1149

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 15, 1900.

In the matter of the application of Jacob Guthrie for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jacob Guthrie.
Q How old are you? A 48.
Q What is your post-office? A Coffeyville, Kansas.
Q How long have you been living in the Cherokee Nation? A I have been living in the Cherokee Nation, I am living in Coffeyville now.
Q What is it you want to have put on the roll? A Myself and family.
Q Your wife and how many children? A My wife and is a white woman; I have in the Nation I have got two children.
Q You want to enroll for your whole family? A Yes sir
A Are you a Cherokee by blood A No sir I am a Cherokee.
Q Your wife, you say, is a white woman? A Yes sir
Q When did you first come to the Cherokee Nation? A 1871.
Q How did you live, have you continuously resided in the Nation since 1871? A Until 1895, continuously, and I have been there off and on all the time since.
Q How long have you been living at Coffeyville? A About 12 years
Q What are you doing there? A I am just living there schooling [illegible]; all my property is in the Territory.
Q Are you in the mercantile business at Coffeyville A [illegible]
Q What is your business in the Territory? A [illegible] business.
Q Your business is all on this side of the line? A Yes sir
Q How do you happen to have settled up in Coffeyville? A [illegible]
Q Were you ever recognized as a citizen of the Cherokee Nation? A No

[illegible] A Amelia Guthrie.
[illegible] A Yes.
[illegible] A Yes.
[illegible] A Yes
[illegible] A [illegible]
[illegible] A Yes.
[illegible] A Wade Hall.
[illegible] A [illegible]
[illegible] A [illegible]
[illegible] A [illegible]

Q And your main purpose in living in Coffeyvi le is sending your children to school? A Yes sir.
Q Have you always contemplated moving to the Cherokee Nation and making that your home? A Never anywhere else.

Com'r Breckinridge: The a plicant applies for the enrollment of himself, his wife and two children; he is identified on the rolls of 1880 and 1896; he states that he is a Shawnee and came to the Cherokee Nation with the Shawnees in 1871; he has lived for the past 12 years to a certain extent in Coffeyville, Kansas he states that his object in living there is simply to school his children, and that most of his own time is spent in the Cherokee Nation, where his business exclusively is, and that he has never exercised the rights of citizenship outside the Cherokee Nation; for the further consideration of the question of domicile as arises in this case his application will be taken under advisement, though it seems to be well established that he has never contemplated any locality as his home other than the Cherokee Nation; he states that he married his wife in 1893; she is identified with him on the roll of 1896, and also with her minor children, the older of whom is 16 years of age; he states that he and his wife have lived together as husband and wife ever since their marriage; she will be listed as a Cherokee by adoption, and the question of her enrollment will be for the present taken under advisement, as effected by the question of domicile;

The two children are identified with their parents on the roll of 1896; they are not living at this time; they will be listed as Cherokee-Shawnees, and the question of their enrollment will be taken under advisement as in the case of with their parents; the final disposition of the case will be communicated to the applicant at his post-office address.

[illegible] being first duly sworn, states that he is employed by the Commission to the Five Civilized Tribes, is correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 11th day of October 1900.

[illegible]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 15, 1900.

In the matter of the application of Jacob Guthrie for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Jacob Guthrie.
Q How old are you? A 48
Q What is your post-office? A Coffeyville, Kansas.
Q Do you live in Cooweescoowee District? A I have been living in Cooweescoowee District, I am living in Coffeyville now.
Q Who is it you want to have put on the roll? A My self and family.
Q Your wife and how many children? A My wife is a white woman, we married in the State; I have got two children.
Q You want to apply for your whole family? A Yes sir.
Q Are you a Cherokee by blood? A No sir, I am Shawnee.
Q Your wife, you say, is a white woman? A Yes sir.
Q When did you first come to the Cherokee Nation? A 1871.
Q How long did you live here continuously after you came in 1871 ?
A Until 1885, continuously, and I have been here off and on all the time ever since.
Q How long have you been living at Coffeyville? A About 12 years.
Q What are you doing there? A I am just living there, schooling my children; all my property is in the Territory.
Q Are you in business in Coffeyville? A No sir.
Q What is your business in the Territory? A Stock business.
Q Your business is all on this side of the line? A Yes sir.
Q Have you ever voted up in Coffeyville? A No sir.
Q Never exercised any of the rights of citizenship up there?
A No sir.
Q Give me the name of your father? A Abaliah Guthrie.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Nancy.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Dora.
Q How old is she? A 36 years old.
Q When did you marry her? A 1885.
Q You and she lived together ever since you were married?
A Yes sir.
Q Give me the names of your children? A Wade Abaliah.
Q How old is that child? A 12 years old.
Q Next child? A Robert George.
Q How old is he? A 4
Q Both living now? A Yes sir.

1880 roll, page 263, #1167, Jacob Guthry, Delaware District
1896 roll, page 343, # 196, Jacob Guthrie, Cooweescoowee District
1896 roll, page 306, # 429, Dora Guthrie, "
1896 roll, page 343, # 197, Wade A. Guthrie, "
1896 roll, page 343, # 198, Robert G. Guthrie "

Q Where were these children born? A They were born in Coffeyville.
Q Have you spent any time with your family in the Cherokee Nation in the last 12 years? A Oh, yes.
Q Have you a furnished house down here in the Cherokee Nation?
A I dont know that you might call it a furnished house, I have got all my furniture that I ever had in the Cherokee Nation on my farm.
Q How much time have you spent in the last 12 years with your family in the Cherokee Nation? A Oh, I expect we have spent probably a third of the time.
Q Most of your individual time in the Cherokee Nation? A All the time, yes sir, only such as I had to be there.
Q And your main purpose in living in Coffeyville is sending your children to school? A Yes sir.
Q Have you always contemplated moving to the Cherokee Nation and making that your home? A Never anywhere else.

Commissioner Breckinridge:

The applicant applies for the enrollment of himself, his wife and two children; he is identified on the rolls of 1880 and 1896; he states that he is a Shawnee and came to the Cherokee Nation with the Shawnees in 1871; he has lived for the past 12 years to a certain extent in Coffeyville, Kansas; he states that his object in living there is simply to school his children, and that most of his own time is spent in the Cherokee Nation, where his interests exclusively is, and that he has never exercised the rights of citizenship outside the Cherokee Nation; for the further consideration of the question of domicile as raised in this case his application will be taken under advisement, though it seems to be well established that he has never contemplated any locality as his home other than the Cherokee Nation; he states that he married his wife in 1892; she is identified with him on the roll of 1896, and also with her other children, the oldest of whom is sixteen years of age; he states that he and his wife have lived together as husband and wife ever since their marriage, and will be listed as a Shawnee by adoption, and the question of her enrollment will be and the present cases under advisement, as affected by the question of domicile.

The two children are identified with their parents on the roll of 1896; they are both living at this time. They will be listed as Cherokee Shawnee, and the question of their enrollment will be taken under advisement as in the case with their parents the final disposition of the application will be communicated to the applicant at his postoffice address.

Jacob Guthrie et al-----3

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony, and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M D. Green.

Subscribed and sworn to before me this 15th day of October, 1900.

(Signed) T. B. Needles, Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy, and that the same is a true and complete copy of the original transcript thereof.

Subscribed and sworn to before me this 1st day of July, 1903.

Notary Public.

"R"

Cherokee D 585

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5,1902.

SUPPLEMENTAL PROCEEDINGS in thematter of the application of Jacob Guthrie for the enrollment of himself, wife and children as Cherokee citizens.

Appearances:
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 13,1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up by the Commission at its offices in Muskogee, Indian Territory for final consideration on the 5th day of March,1902, and that he could on said date appear before the Commission either in person or by attorney and an opportunity would be given him to introduce any additional testimony affecting his application. He was further notified to supply the Commission with a certificate of his marriage to his present wife, Dora.

Receipt hasbeen acknowledgedof the Commission's letter, and the applicant having been called three times, and failing to respond either in person or by attorney it is directed that the case be closed and that same be reported to the Commission for final decision, based upon the evidence now of record.

M.D.Green, he hereby certifies that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony andproceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

585

Cherokee D 589.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 28, 1902.

In the matter of the application for the enrollment of Dora Guthrie, et al., as citizens of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

DORA GUTHRIE, being sworn, testified as follows:

By the Commission,

Q What is your name? A Dora Guthrie.
Q How old are you, Mrs. Guthrie? A Thirty-eight.
Q What is your postoffice address? A Coffeyville, Kansas.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes, sir.
Q What is your husband's name? A Jacob Guthrie.
Q Is he living at this time? A Yes, sir.
Q Is he a citizen by blood of the Cherokee Nation? A Yes, sir.
Q When were you married to your husband, Jacob Guthrie? A '83.
Q Had he ever been married prior to his marriage to you? A No, sir.
Q You're his first wife? A Yes, sir.
Q Had you ever been married prior to your marriage to him?
A No, sir.
Q Have you and Mr. Guthrie lived together as husband and wife all the time since your marriage up to the present time? A Yes, sir.
Q You have never been separated? A No, sir.
Q You and he were living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q Have you lived in the Cherokee Nation all the time, Mrs. Guthrie, since '83 up to the present time? A Not all the time.
Q How much of the time have you lived in the Cherokee Nation?
A I suppose a third, back and forth.
Q Do you know when you first left the Cherokee Nation after you were married? A I will have to explain that. We have never lived there all the time, we just come back and forth to the home place.
Q Where di you go when you went out of the Cherokee Nation?
A To Coffeyville.
Q When did you first go? A In '83. We go there and come back. We have furnished rooms, and go there to enroll the children.
Q You have a place in the Indian Territory? A Yes, sir.
Q Keep house over there? A Yes, sir, we have our furniture in our rooms at the farm.
Q How much of the year do you spend on the farm? A I could hardly tell you, we go down there and stay for a day or two or a week.
Q When Mr. Guthrie was ever in attend to? A Yes, sir.
Q You keep house in Coffeyville? A Yes, sir, I have a home in Coffeyville.
Q You have been keeping house in Coffeyville nearly ever since your marriage, have you not? A Yes, sir.
Q And you reserve a couple of rooms or three in the farm?
A Just one.
Q And have your furniture in it? A Yes, sir.
Q And when he has any business at the farm you accompany him with Mr. Guthrie to the farm and stay while he attends to his business?
A Yes, sir. Mr. Guthrie is there a great part of the time.

Q And when you get through you go back to Coffeyville? A Yes, sir.
Q And you have lived principally in that way since your marriage to Mr. Guthrie? A Yes, sir, we have lived that way ever since we were married.
Q You and Mr. Guthrie have never kept house yourselves in the Indian Territory, have you, since your marriage? A No, sir.
Q How many children have you? A Two.
Q Two children? A Yes, sir.
Q And you stated you stayed in Coffeyville for the purpose of schooling those children? A Yes, sir.
Q You had no children when you first went to Coffeyville? A No, sir.
Q Went there before the children were born? A Yes, sir.
Q And, as I understand you, you kept a residence in Coffeyville from the time you first went there, shortly after your marriage, up to the present time? A I had a home myself there, and Mr. Guthrie owns no property in Coffeyville.
Q The home is yours? A The home is mine.
Q But you kept house there since your marriage all the time?
Q Yes, sir.
Q And you also had one room furnished down on Mr. Guthrie's farm in the Cherokee Nation? A Yes, sir.
Q And sometimes you would go over there and stay a few weeks and he would attend to his business? A Yes, sir.
Q Have you ever stayed as much as six months at any one time down on the farm with Mr. Guthrie since your marriage? A No, sir.
Q Have you ever stayed as much as four months at any one time down there on the farm since your marriage? A I have not.
Q Have you ever stayed as much as two months down there on the farm in the Cherokee Nation since your marriage? A No, sir.
Q How long do you think is the longest time you ever spent there at any one time since your marriage to Mr. Guthrie? A Well, I don't know that. I could not tell just exactly, but not to exceed a week. A few days at a time, back and forth maybe two or three times during the week.
Q Mr. Guthrie has a farm within a few miles of Coffeyville?
A Yes, sir, just a short distance.
Q And he would go down on the farm and stay a few days and then come back home to Coffeyville? A Yes, sir.
Q Has he got any business there in Coffeyville? A No, sir.
Q Has he ever been in business in Coffeyville? A No, sir.
Q Now, what has been said with reference to your residence, is true of your children since their birth, is it? A Yes, sir.
Q They have always lived with you? A Yes, sir, they live with me.
Q And Mr. Guthrie's home since your marriage has been your home, has it? A Yes, sir.
Q You and he have never separated? A Oh, no

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 28th day of October, 1902.

Notary Public.

LICENSE TO MARRY.

State of Missouri,)
) ss
County of Jackson.)

Office of Recorder of Deeds at Kansas City, Mo.
To any Judge, Judge of a County Court, Justice of the peace or any Licensed or ordained Preacher of the Gospel--Greeting:
The provisions of the act entitled "An Act in Relation to Marriage and Marriage License" approved March 26, 1881 having been satisfactorily complied with you are hereby authorized to join in matrimony Mr. Jacob Guthrie over 21 years of age of the County of Jackson and State of Missouri and Miss Dora Selby over 18 years of age of the County of Jackson and State of Missouri.
Witness my hand and seal of office at Kansas City, Mo. this 28th day of August A.D. 1883.

(L S) Chas D. Lucas Recorder of Deeds.

State of Missouri,)
) ss
County of Jackson.)

This is to certify that by virtue of the authority of the foregoing License I did on the 29th day of August A.D. 1883 in said County and State unite in marriage the said Jacob Guthrie and Dora Selby. Given under my hand this 29th day of August A.D. 1883.

Ed M. Yantis,
Min. of Gospel.

Filed for record and duly recorded in my office on this 29th day of August A.D. 1883.

Chas. D. Lucas Recorder.
By F. A. Pott Deputy.

State of Missouri,)
) ss
County of Jackson.)

I, M. R. Gossett, Recorder of Deeds within and for the County of Jackson aforesaid, do hereby certify that the above and foregoing is a full, true and complete copy of the Marriage License and Certificate of Marriage ashereto ignent and note of Record thereon of Jacob Guthrie to Dora Selby as same appears of Record in my office in Book Series B 2 Page 429 and following.
IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of said office, at Kansas City, Mo., this 9th day of Nov., A.D. 1900.

M. R. Gossett Recorder.
By C. H. Moore Deputy.

(10 revenue stamp)
(Illegible)

I, the undersigned, a stenographer of the Commission in the Five Civilized Tribes, do hereby certify on my official oath that the above and foregoing is a true and correct copy of a certified copy on file in the office of the Commission.

INDEXED.

COMMISSION TO FIVE TRIBES
No. 9180
Received
1902

CHEF REE

Guthrie, Jacob,
Coffeyville, Kans.,
June 4, 1902.

States that his residence, as given on his marriage certificate, was incorrect, that he has lived in the Cherokee Nation for years and prove it.

Coffeyville, Ks. June 4th 02

The Hon. Com. of the Five Civilized Tribes.
Muskogee I. T.

Gentlemen:-

You will notice in my marriage license sent you a few days ago, that my residence was given as Jackson Co. Mo. which was a mistake as I was at that time and had been for years before that, living on my ranch in the Cherokee Nation I. T.
I can give any proof desired to this effect by both State & Territory citizens.

Very Respectfully Yours.
Isaac Guthrie.

Cherokee D 585

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jacob Guthrie and minor children, Wade A. and Robert G. Guthrie, as citizens of the Cherokee Nation of Shawnee blood.

D E C I S I O N

The record in this case shows that on October 15, 19[illegible], Jacob Guthrie appeared before the Commission at Newata, Indian Territory, and made personal application for the enrollment of himself and minor children, Wade A. and Robert G. Guthrie, as citizens of the Cherokee Nation of Shawnee blood. The application also included Dora Guthrie, wife of said Jacob Guthrie, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation, but the status of persons claiming right to enrollment as such not being fixed at this time, the said Dora Guthrie is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 28, 1903.

The evidence shows that the applicant, Jacob Guthrie, is of Shawnee blood and that the applicants, Wade A. and Robert G. Guthrie, are the minor children of the said Jacob Guthrie. The said Jacob Guthrie is duly identified on the 1880 authenticated roll and the 1896 census roll of the Cherokee Nation as an adopted Shawnee. The said Wade A. and Robert G. Guthrie are duly identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the applicant, Jacob Guthrie, has been residing with his family in Jefferyville, Kansas, since 1880 and that during all of said time has owned improvements in the Cherokee Nation and spent most of his time working on his farm. He said nation that he has never voted nor exercised any rights of citizenship outside of said nation.

The residence of the minor applicants herein has been the same as that of their father, the said Jacob Guthrie.

Cherokee D 585

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain et al., Cherokee D 937 (I. T. D. 2900-1903), that the said Jacob Guthrie, Wade A. Guthrie and Robert G. Guthrie should be enrolled as citizens of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

SEP 14 [illegible]

COMMISSIONERS:
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 13, 1902.

Mr. Jacob Guthrie,

Coffeyville, Kansas,

Sir:-

You are hereby notified that the application of yourself, your wife and two minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 5th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate of marriage to your wife Dora.

Chickasaw-868
Register.

Commissioners in Charge

Muskogee, Indian Territory, May 21, 1902.

Mr. Jacob Guthrie,

Coffeyville, Kansas.

Sir:

In the matter of the application for the enrollment of yourself, wife, and children as citizens of the Cherokee Nation you have neglected to furnish the Commission with a certificate of your marriage to your wife, Dora.

You are required to supply the Commission with this document before June 5, 1902. This evidence is very important in the further consideration of your case.

Yours truly,

Commissioner in Charge.

In answering refer to
Cherokee D 1621
Register.

COPY.

Cherokee D-585.

Muskogee, Indian Territory, October 12, 1903.

Jacob Guthrie,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of yourself and your two minor children, Wade A. and Robert G. Guthrie, as citizens of the Cherokee Nation of Shawnee blood.

Respectfully,

Chairman.

Enc. D-98.

Register.

COPY.

Cherokee 2-585

Muskogee, Indian Territory, September 22, 1903

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Jacob Guthrie for the enrollment of himself and his two minor children, Wade J. and Robert J. Guthrie, as citizens of the Cherokee Nation of Cherokee blood.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Enc. 2-21

Dup

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE ENROLLMENT OFFICE.

Tahlequah, I. T., MAY 10, 1904 A. D. 190

To the Clerk in charge of the Cherokee Land Office:

This is to certify that the names of the following persons:

Card Number.	NAME.	Relationship to Person First Named.	Age.
2 535	Nora Guthrie		33 Yr

Represented by Jacob Guthrie, husband.

All papers issued by the Commission to the Five Civilized Tribes as applicants for enrollment of citizenship in Cherokee Nation.

In the event that said persons are finally enrolled as citizens of said Nation, a certificate of citizenship of the proper form will be issued.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Thomas Gilbert
Chairman.

16

Cherokee No.
D. 585

Muskogee, Indian Territory, January 10, 1907.

Dora Guthrie,

Coffeyville, Kansas.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION.

THE RECORDS OF THIS OFFICE SHOW That prior to October 31 1902 applications were received by the Commission to the Five Civilized Tribes for the enrollment as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5
Benjamin W. Williams	8
Lena Severs	20
Sarah E. McCoy	21
Joseph Hetherger	23
Laura Hensen	45
William W. Barnes	48
[illegible] Wood	54
Walter A. [illegible]	57
Anna B. Ward	69
[illegible]	70
Sarah M. [illegible]	85
[illegible]	93
[illegible]	100
[illegible]	101
[illegible]	102
[illegible]	103
[illegible]	104
[illegible]	105
[illegible]	106
Hugh Wylie	107
Mary A. Wylie	108
[illegible]	293

Scott Hatfield	294
[illegible]	307
[illegible]	350
[illegible]	370
[illegible]	384
[illegible]	388
William Gregory	417
William J. [illegible]	509
Joseph F. Wilie	584
James T. Miller	596
[illegible]	630
[illegible]	660
[illegible]	679
[illegible]	765
[illegible]	799
[illegible]	804
[illegible]	837
[illegible]	841
[illegible]	857
[illegible]	858
William H. [illegible]	867

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M Correll	1177
Jane Ratley	1225
George I Norton	1234
Mahala D Thompson	1247
Charles M Trammel	1264
Flora Carlile	1265
William H Norrid	1275
Olevia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T Jones	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L Morgan	2568
Andrew A Brown	2575
Louis K. Fair	2623
James L Mitchell	2644
Martha E McNair	2659
Millard F Eggleson	2668
Elisha M Gray	2686
Jessie M Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P Riley	2825
William Broaddus	2834
William A Martin	2865
Joseph Q Buchanan	2888
Marcellus L Baker	2907
Lena M [illegible]	[illegible]
John R Sturm	[illegible]
Ira W Wagner	[illegible]
John B [illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nancy J. Kinney	4225
Sydney E Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H Gibson	4327
John McFall Jr	4343
Albert W Fitzsimmons	4360
George S Ford	4386
Quinn Carr	4387
William A Powell	4390
Austin Hasley	4406
Anna Bates	4424
[illegible]	4428
[illegible]	4443
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R Goodall	5356
Charles Horton	5390
James W Goddard	5417
Dora Cox	5425
Nannie G Allsetty	5438
Sallie Ward	5455
William H Sutherlin	5484
Lizzie Hall	5487
Cyrus B Essex	5489
[illegible]	5497
[illegible]	5494
[illegible]	5496
[illegible]	5498
[illegible]	5499
[illegible]	[illegible]
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[illegible]	[illegible]

Horace H. Huddlestun	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Enun M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
[illegible]	5894
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George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie W. [illegible]	6118
Mary A. Clark	6124
Mary J. [illegible]	6126
[illegible] Newton	6136
W[illegible] A. Qualls	6138
[illegible] B. [illegible]	6144
Hugh T. W[illegible]	6163
[illegible]	6172
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[illegible]	6313

James J Snider	6375
Wilham H Winget	6376
Ida R Wilkerson	6383
George A McBride	6385
Matilda Cookson	6387
Wilham A Fisk	6392
Wilham O Ames	6394
Thomas Wilkerson	6396
Alice C Springston	6407
Fanny N Witt	6413
Lilhe M Adair	6424
Mark I Matheson	6428
Ida L Wilson	6431
George E Marrs	6441
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[illegible]	6447
[illegible]	6450
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary F Foreman	7158
Alma West	7159
James M Connally	7161
Francis M Crowell	7163
Lannie E McClure	7171
Benjamin B Graham	7176
Ada Pharis	7180
William L Whisenhunt	7184
Frances B Perry	7191
Philip Shultz	7210
Hester A Miller	7212
[illegible]	7213
[illegible]	7217
[illegible]	7218
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Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Jane Thomas	9562
James F Petty	9563
Laura McCrary	9566
Joel D Smith	9568
William T Cave	9572
William Bugher	9577
James M Smith	9582
John E Nazworthy	9583
Beverly L Lafon	9587
Robert L Gentry	9590
[illegible] Barker	9591
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[illegible]	9616
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James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B Miller	10027	Edward H Fitzgerald	10115
William R Condry	10028	John T Pickard	10117
James D Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B Tittle	10124
John A Butts	10034	Richard A Clark	10126
John J Dameron	10035	Emma B Martin	10128
William Warner	10036	Walter L Bates	10129
George A Allen	10037	Nellie Brewer	10130
Wattie Shetley	10038	William Hefferman	10131
John E Carter	10039	Levi Ackley	10132
John M Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B Troth	10049	Caleba Carnes	10136
Harry A Kelley	10050	Jacksie M Waytowarts	10138
Mary E Pearrel	10051	Minnie Shutt	10139
Myron L Brassel	10052	Charles L McClaze	10140
George W Taylor	10053	William W Russell	10141
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[illegible]	10060	[illegible]	10148
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[illegible]	[illegible]	[illegible]	[illegible]

Nannie Martin		10210
Sarah A Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Timberlake		10226
George A Brown		10228
Druecilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M Cooter	D	17
Martin L Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	103
George T Kidds	D	108
Henry C Agent	D	139
Joseph Phipps	D	147
Henry Hutton	D	149
David A McGlamery	D	161
Maggie Weatherford	D	169
Annie Leavett	D	180
Nora Hurst	D	184
[illegible]	D	[illegible]
[illegible]	D	[illegible]
Charles W Hurst	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G Reneckar	D	966
Eliza Wofford	D	967
Jasper L Newton	D	971
John N Gunn	D	974
Hannah Parson	D	989
Nellie C Helterbrand	D	1003
Thomas J Welch, Jr	D	1006
Lazzie Christian	D	1010
George Hazlewood	D	1043
James M Jones	D	1022
Reuben A Evans	D	1032
Carrie H Cobb	D	1040
John M Burns	D	1069
Sarah E Henson	D	1085
Laura D Henson	D	1086
Hettie F [illegible]	D	[illegible]
Benjamin F [illegible]	D	[illegible]
[illegible]	D	[illegible]
[illegible]	D	[illegible]

Herbert F Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank F Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
Wilham S Ross	D	2738
Irene Riley	D	2739
William H Rowles	D	2740
Columbus C Scroggs	D	2741
Delia Stevens	D	2743
William S Sage	D	2744
Flora Thomas	D	2748
Lucy P Thomas	D	2749
[illegible]		
[illegible]		
[illegible]	

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Minnie Thompson	R	4	Andrew Sitrell	R	642
Jemaine G. Thompson	R	5	John Sitrell	R	642
William F. Keely	R	10	Lillie May Wilson	R	643
Alice Elwood	R	19	Ollie A. Barger	R	656
Rosetta McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perrine	R	45	Lizzie Davis	R	761
Gabriel L. Perry	R	61	Clara M. Emmons	R	803

Cherokee D585

Muskogee, Indian Territory, March 14, 1907.

Dora Guthrie,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. T. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

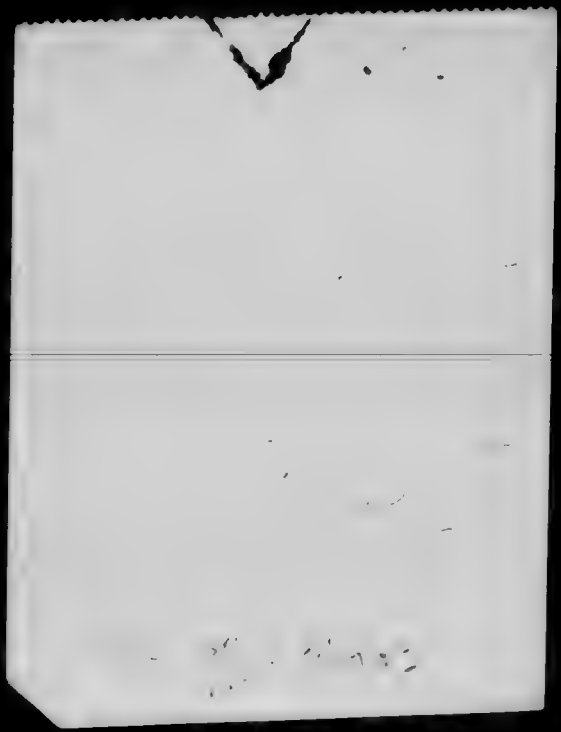
Commissioner.

Enc. 2-1

Cher R 1150

Trans from Cher D 650

Cher R 1150



Department of the Interior.
Commission to the Five Civilized Tribes.
Nowata, I. T., October, 19, 1900.

In the matter of the application of Leander A. Keys for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What's your name? A 42.
Q What's your postoffice address? A Nowata, I.T.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A By intermarriage.
Q For whom do you apply for enrollment? A Myself.
Q What was the name of your wife? A Mary J. Keys.
Q When were you married to her? A In '78.
1880 roll; page 127, #1626, T. A. Keys, Cooweescoowee.
1896 roll; page 312, #576, Leanda A. Keys,
Q How long have you lived in the Cherokee Nation? A About 30 years.
Q Continuously? A Yes sir.
Q Living here now? A Yes sir.
Q Are you living with your wife? A No sir.
Q Are you divorced from her? A No sir.
Q You say you are not living with your wife? A No sir.
Q What's the cause? A I claim she abandoned me. I am supporting her.
Q How long since you and her separated? A She left about one year ago now. She left with my consent, but refused to return when the time was up.
Q Why did she leave? A She went off for her health.
Q And refused to return? A She returned, but we were separated through the mail before she returned.
Q By agreement? A Yes sir.

J. C. Starr, representative of the Cherokee Nation:
Q Who lives at the home where you and she lived before you separated.
A She lives there. We divided the propert and she took it as her home. She moved my effects away from home without my consent or knowledge.

Examination-

The name of Leander A. Keys appears upon the authentic tribal roll of 1880 by the name of T. A. Keys, and upon the same roll of 1896 as Leanda A. Keys. He avers that he is not living with his wife and she abandoned him. Here comes the Cherokee Nation by its representatives and protests against the enrollment of said Leander A. Keys, said protest being based upon Section 6 of the laws of the Cherokee Nation in the revision of 1892. Said representative also refers to the testimony of his wife, Mary J. Keys, taken when she applied for enrollment of herself, she being a citizen by blood; consequently, final judgment as to the enrollment of the said Leander A. Keys as a Cherokee citizen by intermarriage, although his name appears and is identified on the roll of 1880, is suspended and his name will be placed upon a doubtful card.

[illegible], being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this [illegible] day of October, 1900.

[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 19 1900

Statement of Applicant Taken Under Oath.

42

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 19 1900 1900.

Name Leander A. Keys Nowata I.T.

District COOWEESCOOWEE. Year 1880 Page 127 No. 1626

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name Unknown

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
	Dist	Year	Page	No	Age
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	Dist	Year	Page	No	Age

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, I.T. October 19th, 1900.

SUPPLEMENTAL PROCEEDINGS IN THE MATTER OF THE APPLICATION OF LEANDER A KEYS----D. Card 650.

MARY KEYS, BEING SWORN AND EXAMINED BY COMMISSIONER T. B. NEEDLES, testified as follows:

Q What is your name? A Mary Keys.
Q What is your age, Mrs. Keys? A Thirty-eight.
Q What is your post office address? A Nowata.
Q Were youthe wife of Leander Keys? A Yes, sir.

Examination by Mr. Cale Starr, Representative of the Cherokee Nation.

Q Mr. Keys testified this morning that you abandoned him. What can you say about it? A I did not.
Q What was the cause of the separation? A I don't know. He left home and taken his clothes and moved to the store, and he is there yet and I am at home.
Q Did you go off for your health? A Yes, sir; I did.
Q Did he request you to return and you refused? A No, sir; I didn't refuse.
Q You came back A Yes, sir; I came back just as quick as I was able to come home.
Q You came back to the home where you live and he left? A Yes, sir.
Q Has he any cause for leaving you? Not that I know of.

CROSS-EXAMINATION --- by J.A.Tilleteon, Counsel for Leander A. Keys.

Q When did you go away for your health? A The 24th of October.
Q What year? A In 1899, last year.
Q How long did you intend to be gone when you went away? A I didn't know; there was no time permanently set; it was owing to my health.
Q Did he send you money to come back home on? A He sent me money why never I needed it all the time.
Q Did you come home? A I came home just as quick as I was able to come home, at the doctor's request.
Q You say he moved to the store. Who moved his things to the store? A He did himself.
Q Isn't it a fact that you moved them out without his knowledge or consent? A No, it is not. He moved them himself from his own delivery.
Q I will ask you if it is not a fact that you moved some of his things to the store from the house without him knowing it? A I did not, sir. He sent those things and he got them; I didn't even load them; I didn't even pack them. I never told him to do at all. He left with his own request.
Q I will ask you if it is not a fact that you made an agreement by letter, a mutual agreement, to separate while you were gone? A He owed me to make that agreement.
Q I will ask you if it is not a fact that you did make that agreement by letter while you were gone, that you were to separate? A He asked me----
Q [Interposing] But that is not what I asked you. Did I you make that agreement, you and him, by letter? A No, he did not. He---
Mr. J.A.Tilleteon [Counsel for Leander A. Keys] [Interrogating] I will ask that to be taken down just as she says it, in her own words.

She says: 'No, I did not.' You state now positively that you did not write him a letter making a mutual agreement to separate while----

THE COMMISSIONER: (Interrupting) I think she has a right to explain. I think she has answered that.

THE WITNESS: No, I did not. Why, sir. He wrote me a letter requesting such a thing, and I simply answered his questions by letter.

Witness excused.

---oOo---

The undersigned, being sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he correctly recorded the supplemental testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of October A. D. 1900.

Commissioner.

Supl.-C.D.#650.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL in the matter of the enrollment of LEANDER A. KEYS as a citizen of the Cherokee Nation:

The applicant and his attorneys were notified by registered letter February 15, 1902, that the application of Leander A. Keys for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902, The applicant this day, to-wit: the 6th day of March, 1902, appears in person and by his attorneys, Chase & Tillotson, Nowata, Indian Territory.
Mr. W. W. Hastings, Cherokee Representative, present.

The attorneys for the applicant and representative of the Cherokee Nation present submit the case, and the same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record in addition to a certified copy of the decree of divorce in a suit now pending in the Court at Wagoner, Indian Territory, between the applicant, Leander A. Keys, and his wife, Mary J. Keys. A copy of said decree to be filed herewith and made part of the record as soon after the same is rendered as possible.

Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 27th, 1902.

In the matter of the application of Leander A. Keys for the enrollment of himself as a citizen by intermarriage of the Cherokee nation.

Supplemental to D 650.

Appearances:
J. A. Tillotson for Applicant.
W. W. Hastings for Cherokee nation.

By Mr. Tillotson:

The applicant offers in evidence a certified copy of the decree of divorce granted to Leander A. Keys by the United States Court for the Northern District of Indian Territory, sitting at Vinita.

By Mr. Hastings:

The Cherokee nation reserves the right to file a certified copy of subsequent proceedings in this case had in the United States Court at Vinita, Indian Territory, the representative of the Cherokee nation having been advised by W. T. Hutchins, one of the attorneys for Mary J. Keys, the defendant in this divorce case, that he desired to file some exceptions to the Master's report in said case and that he did not known that the same had been called up by the United States Court at Vinita, and that he had given notice to the attorneys representing Leander A. Keys that he would take steps to have this decree set aside on Monday, June 30th, 1902, at Vinita, and the Cherokee nation desires to file a certified copy of the final action of the Court, had in this case.

By the Commission:

The attorney for the Cherokee nation will be granted 30 days in which to furnish the Commission with certified copies of the proceedings had in the divorce trial in the case of Leander A. Keys vs. Mary J. Keys.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission that the Five Civilized Tribes he correctly recorded the proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this ... day of July, 1902.

Notary Public.

J
Supp'l to Cher D 650

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 28, 1902.

In the matter of the application of LEANDER A. KEYS, for enrollment as a citizen by intermarriage of the Cherokee Nation:

Appearances:
J. A. Tillotson, Esq., for applicant;
J. C. Starr, for the Cherokee Nation;

LEANDER A. KEYS, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Q What is your name ? A Leander A. Keys.
Q What is your age ? A Forty four years old.
Q What is your post office address ? A Nowata, I. T.
Q Are you an applicant before this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation ? A Yes sir.

Examined by J. A. Tillotson:

Q Where do you reside ? A Nowata, Indian Territory.
Q How long have you lived there ?
A About ten years last spring.
Q Are you a married man ? A No sir.
Q How do you claim your citizenship ? A By marriage.
Q When ? A Let's see. I was married, I believe, in 1878.
Q To whom were you married ? A To Mary J. Martin.
Q What was her citizenship ? A She was a Delaware by blood.
Q How long did you live together ? A We lived together until February, about three years ago, last.
Q Are you now living together ? A No sir.
Q State what caused the separation ? A She went away for her health, and then when she come back she refused to live with me.
Q State what she did ?
A I met her at the train when she come back, and she met me rather insulting, and on her way to the house from the train, I asked her for an explanation of some letters I had received while she was away, and she said she had no explanation to make. When we got home I went into the room and retired and she came in and after a while she got in at the foot of the bed, and I told her if that was her desire, she could have the whole bed, and I got up and went to the store to sleep.
Q Did you go back to your house for your meals ?
A I went back for a week or so, and she ordered me away from the table several times and finally sent my goods to the store by this colored boy Fred Royal.
Q Did you at any time send to your house for the things ?
A No sir, I did not.
Q Did you know that they were going to be sent to you until they arrived ? A I did not. I asked the boy what he had and he said he had my goods, and I asked him who told him to bring them down, and he said Mrs. Keys.
Q State, in a general way, Mr. Keys, how you provided for your wife ? A I always provided for her as well as any man in my circumstances. She never had to work any unless she felt like it. She went where she pleased and I gave her money to go on. She dressed as well as the average woman of the country.
Q You applied for a divorce did you ? A Yes sir.
Q Where at ? A It was brought in the Vinita court and transferred to the Vinita court.
Q What was the result of that ? A I was granted a divorce on the ground of desertion and indignities, I think.

Mr. Tillotson: Applicant herewith introduces as evidence in this case, as per former agreement between the attorneys for applicant and attorneys for the Cherokee Nation, a certified copy of the decree of divorce granted to applicant in the United States Court for the Northern District of the Indian Territory, sitting at Vinita.

The Commission: The document will be filed.

FRED ROYAL, called as a witness, being duly sworn and examined testified as follows:

Q What is your name ? A Fred Royal.
Q What is your age ? A I am twenty eight years old.
Q What is your post office address ? A Nowata, I. T.

Examined by Mr. Tillotson:

Q Where do you reside now ? A Nowata.
Q Are you acquainted with Mr. Leander A. Keys ? A Yes sir.
Q How long have you known him ?
A I have been knowing him ever since I have been knowing myself. He raised me on up to be a man.
Q For whom were you working in February, 1900 ?
A Working for Mr. Keys.
Q Do you know Mary J. Keys ? A Yes sir.
Q Do you remember about the time the applicant and Mary J. Keys separated ? A Yes sir.
Q Did you haul any goods from their home to Mr. Keys' store down town ? A Yes sir.
Q State who had you to haul those goods, and what they were ?
A Well, Mrs. Keys had me to haul them down there. She told me, she says "Fred, after dinner I want you to take Keys' things down to him".
Q What else did she say, if anything ?
A She never said anything else right at that time. When I got ready to start, she come to the door and said "Fred you hook up the delivery wagon I want you to take Keys' things down there".
Q Did Mr. Keys, at any time, ever ask you to bring those things down there ? A No sir.
Q Did he know that you were going to bring those things down ?
A No sir.
Q What things did you take down, if you remember ?
A I taken down all his clothes and some bed clothes, and something else, I disremember just what it was, but something else.
Q I will ask you if you heard her say, on or about that time, that she didn't want Mr. Keys around there any more, and wanted you to take his things down to the store to him ? A Yes sir.
Q Was that at the place where they were living at the time ?
A Yes sir.

Examined by J. T. Starr

Q Who paid you for taking those things to Mr. Keys ?
A I was working for Mr. Keys I was driving the delivery wagon.
Q Mr. Keys had left his home before that ?
A He had been there that day for dinner.
Q Does Mrs. Keys continue to live there now ? A Yes sir

By the Commission: Dyer, why was it she suggested to send
those clothes down to you ?
A I don't say.
Q Did you know it that she called you up and told you to carry
the clothes down there ?
A Yes Sir.

The Commission: This testimony will be filed as supplemental to the record in the matter of the application of Leander A. Keys for enrollment as a citizen by intermarriage of the Cherokee Nation, Cherokee D 660.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this September 8, 1902.

B C Jones
Notary Public.

Cherokee D 650.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., September 15, 1902.

In the matter of the application of Leander A. Keys for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Cherokee Nation appears by J. C. Starr.
Applicant appears by J. A. Tillotson, Nowata, I. T.

Supplemental proceedings on behalf of applicant.

LIZZIE PITTSENBERGER, being sworn, testified as follows:

By Mr. Tillotson,

Q Give your name? A Lizzie Pittsenberger.
Q Your age. A Forty-five.
Q And residence? A Cherokee Nation.
Q Postoffice. A Alluwe.
Q Are you acquainted with Leander A. Keys and Mary J. Keys?
A Yes, sir.
Q Do you remember the circumstance of them having separated at one time? A Yes, sir.
Q About when was that that you remember? A It is three years this fall. In the spring -- wasn't it in the spring she went to Hot Springs?
Q I will ask you if you ever worked for them? A Yes, sir.
Q Were you working for them at the time they separated? A Yes, sir.
Q Did you ever hear Mrs. Keys order Mr. Keys away from home?
A Yes, sir, she also ordered his goods to be taken away.
Q Who did she order to take the goods away? A The darkey, Fred Royal.
Q What did she say, if you remember, at the time she ordered this darkey to take these goods away? A She told him she wanted him to take them away. She didn't want them there any more.
Q Did she say anything concerning him at that time? A She said she didn't want his things there; she was tired of them in her way.
Q Did you hear her at anytime order him away from home? A Yes, sir, she said she wanted him to get another boarding place, she was tired of boarding him.

By Mr. Starr,

Q At the time they separated, he was boarding, was he? A No, that was from Monday to Friday.
Q That was after she returned from Hot Springs? A No, sir.
Q Do you know anything about the cause of the separation? A No, sir.
Q You just know about Mr. Keys taking his things away after they had separated and he was boarding at Mrs. Keys? A Yes, sir.

By the Commission.

Q Are you acquainted with Leander Keys at the present time?
A Yes, sir.
Q Where does he live now? A In Nowata.

Q Does ~~he~~ you live in Nowata now? A No, about six miles from Nowata.
Q Do you know whether or not he has married since he was divorced from this woman? A No, sir, he is not married.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the foregoing application, and that the above is a true and complete copy of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 13 day of October, 1902.

[illegible]
Notary Public.

Cherokee D 650.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., September 15, 1902.

In the matter of the application for the enrollment of Leander A. Keys as a citizen by intermarriage of the Cherokee Nation.

J. A. TILLOTSON, being sworn, states: Age, 35; residence, Nowata, Indian Territory; I know Leander A. Keys and know that he has not married since obtaining a divorce from Mary J. Keys.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the foregoing statement, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 13 day of October, 1902.

J. A. Tillotson

Cherokee D-650.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 9, 1902.

In the matter of the application of Leander A. Keys for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name, please? A Leander A. Keys.
Q What is your postoffice? A Nowata, I. T.
Q What is your age at this time? A Forty-three.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q What is your Cherokee wife's name? A My wife was a Delaware; her name was Mary J. Keys.
Q She was a Cherokee citizen of Delaware blood was she? A Yes sir.
Q When were you married to her? A I believe about '78 I guess; it was '78.
Q Was she your wife in '80 when the 1880 roll was made? A Yes sir.
Q You are on the 1880 roll with her as her husband? A Yes sir.
Q Had you ever been married before you married this wife? A No sir, never .
Q Had she ever been married before she married you? A No sir.
Q Have you lived in the Cherokee Nation continuously since 1880 up until the present time? A Yes sir, always.
Q Have you and your wife lived together as husband and wife from 1880 up until the present time? A No sir.
Q You separated? A Yes sir.
Q When were you separated? A I think about three years ago this fall, this winter.
Q Where were you living when you separated? A At Nowata.
Q In the town of Nowata? A Yes sir.
Q What was the cause of your separation? A Well, really, she abandoned me.
Q How did she abandon you? A By moving my things away from the house and forbiding me to come there.
Q She moved your things away and forbid you to come to the house? A Yes sir.
Q Did she send your things away from the house while you were absent from the housekx while you were there? A While I was absent from the house.
Q Where were you at the time your things were sent away from the house by her? A I was at the store.
Q You were running a store? A Yes sir.
Q Had you been stopping at the house with her up until that time? A Yes sir.
Q You weren't getting along pleasantly before that were you? A No sir.
Q She didn't send those things down to the store at your request did she? A No sir.
Q You still intended to live there at the house with her up until the time she sent your things away or forbid you to come to the house? A I don't know what I would have done in a case of that kind.
Q Things weren't pleasant at home? A I don't know - if she hadn't done the right thing by me I don't know what I would have done.
Q How long had your relations with your wife been unpleasant before you actually separated there? A She had been away to Red Springs for about five or six months and while she was away things occurred that I asked an explanation of on her return , and she refused to grant it, and she ordered me away from the house when she did return, and during my absence she moved my clothing away.

my goods away.
Q Isn't it a fact that you made a proposition to your wife that you and she would separate before this? A No sir.
Q You never made no such proposition as that? A No sir, I don't think we did. We made a contract after she moved my things away for a division of the property; that was after my things were moved.
Q That was after the separation? A Yes sir.
Q Before she came home and while she was away at the Springs didn't you write her a letter that you and she had better separate? A I wrote her a letter; we had several unpleasant letters, but I don't know just exactly the contents of them .
Q Up until the time she went to the Springs for her health there your relations with your wife had been pleasant enough, as pleasant as usual between the ordinary man and wife, were they not? A Yes sir.
Q What caused this unpleasantness, something on her part or your part? A Well sir, it was on her part; I got some letters from other men and discovered some envelopes from some other parties in Colorado Springs and they were marked personal, and I asked her for an explanation of the matter when she returned. I wr te to her about it while she was at the Springs.
Q The unpleasantness was caused by your discovering letters which had been written to her by other men? A Yes sir.
Q And when you asked for an explanation she refused to give it? A Yes sir, and she refused to return from Hot Springs when she agreed to.
Q Since you separated have you been divorced? A Yes sir.
Q Who filed the application for the divorce? A I did.
Q What Court did you file it in? A I believe it was filed in Wagoner Court.
Q United States Court of that District? A Yes sir, and then it was removed I think to the Vinita Court.
Q When was the divorce granted? A I don't recollect; there were about two or three divorces granted; there was one granted and then set aside and then they granted another.
Q You have been finally divorced haven't you? A Yes sir.
Q When was the last one granted? A I don't remember the dates.
Q About how long ago has it been? A I guess it's been possibly three or four months ago.
Q Wasn't it the last spring term of Court at Wagoner, it wasn't this last term? A It wasn't granted at Wagoner.
Q I mean Vinita, the last spring term? A They had a continued term there and lasted pretty near all summer, and it was during that term of Court, but I don't remember the date.
Q Some time last summer was the final vote of it? A Yes sir.
Q Well now, before you filed a divorce proceeding you had made a written agreement with your wife with reference to what? A With reference to the division of our property.
Q Was there anything special provided for in that agreement except the division of the property between you? A Well, I was to look after the children.
Q Was there anything said in that agreement about a divorce? A I don't think there was.
Q Have got a copy of that agreement? A No, I haven't.
Q Didn't you retain a copy of it at the time? A Yes sir.
Q What became of the copy? A I kind of think it was in the divorce papers.
Q Could you procure a copy of it and send it to the Commission by writing to the Clerk up there? A I declare I don't know.

Q If it is on file you can, I can tell you that? A I can furnish it to you.

Commission: We would like a copy of it.

Q Now, Mr. Keys, since you separated from your wife and been divorced have you remarried again? A No sir.

Q Were you still a single man on the first of September, 1902? A Yes sir, and am yet.

Q And you have never had any other wife during your lifetime except this wife, Mary? A No sir, never; I was married when I was twenty years old.

W.W.Hastings: What was the matter with your wife, did she have rheumatism when she was sent to Hot Springs? A Yes sir.

Q You stated a moment ago that she didn't return as soon as you anticipated? A No sir.

Q Isn't it a fact that in a number of those letters that you begged her to stay even longer than she did? A Well, at one or two times I did, I am sure, but then I asked her later on to return and she refused to return until she got ready.

Q How long was she gone? A About six or seven months.

Q How long was it that you asked her to return before she came? A I don't know, I had written to her to return and she never returned until after my daughter wrote to her to return.

Q Is your daughter married? A Yes sir, she is now, but she wasn't then.

Q Did she give any reasons why she didn't return, wasn't it on account of her ill health? A Well, at the time she was to return she claimed she hadn't improved any in her letter to me, and I wrote to her if she hadn't improved any she better return and if she wasn't any better she better come, she had been there six or seven months and if she didn't feel any improvement in that time she had better come home and after that she told me in a letter she was almost well, and I didn't like the thing, it didn't sound exactly right.

Q Upon her return there, was that the first time you ever asked her for an explanation with reference to correspondence between her and some other men? A I wrote to her in regard to it.

Q Did you read any of those letters that were written to her by other parties? A I read one of them and there were three envelopes that I found that she had received before she went away and they were in a gentleman's handwriting and marked personal; they never came through my mail box, and were delivered to her by some person and had Bowsta postmark on them and were mailed at Colorado Springs.

Q I will ask you what ground you set up in your complaint for divorce? A Desertion and indignities.

Q It wasn't granted on desertion was it? A Yes sir, on both.

Q It was granted on both? A Yes sir, I think it was; I am quite confidant it was.

Q How long has she been back from Hot Springsnow; when did she come back? A She came back in February.

Q What year? A Three years ago; I think it was three years ago.

Q Did you meet her at the train when she came back? A Yes sir.

Q How long did you and she live together as husband and wife after her return? A We didn't live together at all.

Q Did you go home with her from the train? A Yes sir.

Q Did you then renew your request for an explanation at that time? A Yes sir.

Q On the same day, upon her return? A Yes sir, that very time on the road home.

Q And she didn't give it and you left? A No sir, I went home and went to bed and she started to get in the bed at the foot and I told her if she couldn't sleep like a wife ought to I would go to the store, and I went to the xxxx store and slept and I came to my meals regularly and she ordered me away from the table from home two different times within a week, and in my absence she sent my clothing to the store.

Q That was after you had quit sleeping at home? A Yes sir.

Q She got in bed as you indicated after your talk with her and after your little family quarrel about this correspondence? A Yes sir. I asked her to make an explanation.

Q Did you leave that same night? A Yes sir.

Q And you never slept there anymore? A No sir.

Q Well, was this question of her having correspondence with other parties one of the subjects of inquiry before the Court in this divorce proceeding? A Yes sir.

Q Was the names of the parties who wrote these letters to your wife, etc., given in the testimony, was that inquired about? A Well, I never knew who wrote the letters from Colorado Springs for the letters were destroyed for I only got the envelopes. I proved there that by one witness that she had had her address envelopes to a gentleman in Colorado Springs; that affidavit is on file with the Dawes Commission; it ought to be; it was with the Court.

Q Was the person to whom she wrote any relation of hers? A No sir, none whatever.

Q Had you known him before? A I knew it after I made inquiries about it.

Q You weren't personally acquainted with him? A I knew the party that addressed the letter for her.

Q The party to whom she wrote did you know him? A No sir, I didn't know him at all; I don't know his name to-day. She gave his name on the stand I think, but I dont remember what it was; she gave it on corss-examination.

Q You say that she ordered you away from the table? A Yes sir.

Q How long was that after her return? A Some time during the week, possibly two or three days and may be the next day; she ordered me away a couple of times.

Q You say this divorce suit has been finally settled now? A Yes sir.

Q She remained at the house where you formerly lived and you went to living over your store or about your store? A Yes sir. The testimony in the divorce case ought to be here.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

_____

Subscribed and sworn to before me this 10th day of December, 1903.

_____

Notary Public.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application for enrollment as a citizen of the Cherokee Nation of leander A. Keys.

W. W. Chase

Attorney for Applicant.

Claremore, Indian Territory,

October 24th, 1900.

Cherokee Card #D-650.

nder . . ays, laintiff,

vs.

r . oye, efendant.

In the nited t tea court in the
ndian Territory, Northern istrict,
at inite.

. .

n this seventh day of July, . . 19 2, being one of the days of the . , ler a term, '9 , in o,en court comes the defendant and files his motion to set aside the decree rendered herein on the twenty-nineth third day of June, 1 2, and to be allowed to file exceptions to the master aster's report, and said motion is allowed and said decree is t si e and the defendant is allowed to file her exceptions to the aster's re ort the a proval of said master's report as set fort decree bein set asi . nd thereu on both sides bein re resented t ei. Counsel the laintiff by . . hase, J. . Tillstrom his . . orney, and the defendant by . T. utchins, the matters involved in said re ort and the exce tions thereto, as well as the evidence reported by the aster and the issues as made by the pleadings are submitted to the court for consideration and trial and it appearing from the records herein that the suit was filed at a erer by the laintiff aster . ers on the 1th day of December, , an summons was duly served, and that the defendant filed an answer and cross-complaint on February th, , the plaintiff praying for a decree for the dissolution of the bonds of matrimony, on the ground of desertion as set forth in the statutes, and the defendant in his answer and cross-complaint praying and that thereafter the cause be heard by him sitting at aherer on a day fixed by him, and that the cause has been regularly referred to him as master, with direction to take the proof and report to the court together with recommendations, and findings of fact, and that he has filed his report accompanied by the evidence, together with findings of fact and recommendations, and that the plaintiff before the . th day of April amended his complaint and the defendant filed answer and cross-complaint, both parties praying for a decree from the bonds of matrimony on the ground of desertion, the court finds from the evidence in accordance with the master's report and from the evidence introduced therewith, that the plaintiff and defendant were

married in the [illegible] Indian Territory, and that they [illegible] liv[illegible] the Indian Territory at the [illegible]tion [illegible]t, [illegible], [illegible] present ti[illegible]. [illegible], [illegible] the present, [illegible], in the Northern District of the Indian Territory, [illegible] that reasonable cause existed for plaintiff, [illegible], to [illegible] without reasonable cause and would [illegible] to [illegible] from him. That the support, right of the [illegible] to have custody and care with [illegible] should be fair and equitable. That the children of the [illegible] should [illegible].

Therefore, it is considered and adjudged by the Court that [illegible] recover [illegible], [illegible] above [illegible] to [illegible], and that the [illegible], [illegible], [illegible], and that the [illegible] plaintiff, and that [illegible] and granting the decree [illegible].

Indian Territory, Northern District;

I, Thos. [illegible] Lavigne clerk of the United States Court in the Indian Territory, Northern District do certify that the above and foregoing is a true and correct copy of the decree entered in the above entitled cause wherein [illegible] Keys is plaintiff and Mary J. Keys is defendant as it appears of record in my office at Vinita. Witness my hand and seal of office in this 17th day of July, 1902.

Thos. [illegible]

[illegible] Plaintiff

vs.

[illegible] Defendant.

In the United States Court in the Indian Territory, Northern District at Vinita.

Decree.

On this 3d day of June, ~~being~~ 1911 being one of the days of the regular May 1911 Term of the court in open court comes on for consideration the report of the Special Master in Chancery [illegible] Gibson, heretofore appointed by the court to take the evidence of the parties and to bring the same into court with his findings of facts thereon and his recommendations, ~~and it appearing that the report was filed~~ in this cause in open court on the sixteenth day of June, 1911 and that no exceptions thereto have been filed the report is approved and thereupon the plaintiff asking for a decree in accordance with the recommendations of the report and it appearing from the records that the suit was filed at Skiatook on the 18th day of December, 1911 and that summons issued and was served and that the defendant filed her answer and cross-complaint on February 1st, 1911 and that the cause was transferred from Skiatook to Vinita this court sitting at Skiatook to this court sitting at Vinita on the 10th day of April, 1911 and that on the 11th day of April 1911 the plaintiff filed an amended complaint and the defendant thereafter filed an answer and cross-complaint and that the evidence of the parties has been taken and transcribed by the master and the cause is ready for final submission [illegible] and the plaintiff appearing by her attorneys [illegible] and the defendant appearing by his attorneys [illegible] and it appearing to the satisfaction of the court from the testimony and proof in this cause and in accordance with the findings of the master that the plaintiff and defendant were married in the year 1907 and that they lived together as husband and wife in the Indian Territory near [illegible] for about three years and that the defendant [illegible] without reasonable cause deserted the plaintiff [illegible] and that since that time he has refused to live with the plaintiff and has been guilty of such cruel and inhuman treatment as to render her condition intolerable and life burdensome and that the defendant is a fit and proper person to have the care, custody and control of the minor child, Ruth Ann Gibson, and that the plaintiff is a fit and proper person to have the care, custody and control of said minor child, Ruth Ann Gibson, and that the plaintiff is entitled to a decree of divorce from the defendant and to the care, custody and control of said minor child, Ruth Ann Gibson, and that the defendant is entitled to a decree of divorce from the plaintiff and to

parties herein have settled their property rights by an agreement in evidence which is found to be fair and equitable. That the children of the marriage recited in the complaint herein are the issue of said marriage. Therefore it is considered and adjudged that the bonds of matrimony existing between the plaintiff Jeanette Keys and the defendant Mary E. Keys be dissolved on the plaintiff's application and that the cross complaint of the defendant be dismissed.

I, C. A. Davidson clerk of the United States Court in the Indian Territory, Southern District do certify that the above is a true copy of the order entered in the above entitled cause in the United States Court in the Indian Territory, Southern District at Vinita as the same appears of record in my office at Vinita. In witness whereof I have hereunto set my hand and affixed the seal of said Court this 3rd day of June, 1902.

Chas A Davidson Clerk

By [illegible] D.C.

Cherokee D-650.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Leander A. Keys as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on October 19, 1900, Leander A. Keys appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 6, August 28, September 15, and December 9, 1902.

The evidence in this case shows that Leander A. Keys, a white man, was married in 1878 to Mary J. Martin, a citizen of the Cherokee Nation of Delaware blood.

The evidence further shows that about October, 1899, a separation took place between the said Leander A. Keys and his said wife, but that he did not abandon her. The evidence further shows that subsequent to the separation he applied for and secured a divorce from his said wife. He is identified as an adopted white, on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that Leander A. Keys has been a continuous resident in the Cherokee Nation for thirty years, and has not remarried since the separation hereinbefore shown, up to and including September 2, 1902.

It is, therefore, the opinion of the Commission that Leander A. Keys should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 339), and it is so ordered.

Chairman.

Commissioner.

Commissioner.

Commissioner

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

Mr. Leander A. Keys,

Nowata, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the sixth day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representative of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to defeat said right to enrollment; and said Representative will be notified to appear on or before the above date to introduce such testimony before this office is closed.

Copies to W. C. Chase,
Nowata, I. T.
C. A. Tillotson
Chelsea, I. T.

Cherokee 2-680
Register.

Commissioner in Charge.



C. D. 650

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

1st day of March, 1901

Attorney for applicant

NOTICE!

IN THE MATTER OF the application of [illegible] for enrollment as Cherokee citizens:

Case No. D [illegible].

To [illegible]:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on [illegible] at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible].

W. W. Hastings

Attorneys for the Cherokee Nation.

Cherokee D-650

Muskogee, Indian Territory, November 28, 1902.

Leander A. Keys,

Nowata, Indian Territory.

Dear Sir:-

You are hereby notified that before your application for enrollment as a citizen of the Cherokee Nation will be complete, it will be necessary for you to appear before the Commission at its offices at Muskogee, Indian Territory, and give testimony as to your status, on September 1, 1902, as a citizen by intermarriage of said Nation.

This testimony you should introduce on or before December 15, 1902.

Respectfully,

Acting Chairman.

Cherokee No.
D. 650

Muskogee, Indian Territory, January 10, 1907.

Leander A. Keys,

Nowata, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Incl. Decn. D--

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

[illegible] 1902 [illegible] Commissioner to the Five Civilized Tribes for the enrollment [illegible] of the Cherokee Nation, of the following named persons, who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Intermarried cards corresponding to the numbers following their respective names, viz:

James Watson	[illegible]
Benjamin W. [illegible]	[illegible]
Lena [illegible]	[illegible]
Sarah E. Miller	[illegible]
Joseph Hemmigard	[illegible]
Nellie [illegible]	[illegible]
William W. [illegible]	[illegible]
Georgia Reed	[illegible]
Walter A. [illegible]	[illegible]
Nellie B. Reed	[illegible]
[illegible]	[illegible]
Lewis M. Thompson	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Mary A. [illegible]	[illegible]
[illegible]	[illegible]

Scott Hadens	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Charles A. [illegible]	[illegible]
[illegible]	[illegible]
William Gregory	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Jeremiah Mosier	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Mary [illegible]	[illegible]
Martha M. [illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
William H. [illegible]	[illegible]

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Luev Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
[illegible]	1141
[illegible]	[illegible]
[illegible]	1177
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Lafayett D Kindred	2328
Pearl V Sisson	2339
Nancy J Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L Martin	2502
William J Shoemaker	2506
Maud Baldridge	2511
James L Townsend	2513
George L Morgan	2568
Andrew A Brown	2573
Louis K Fair	2623
James L Mitchell	2644
Martha E McNair	2659
Millard F Eggerson	2668
Elisha M Gray	2686
Jessie M Ballard	2694
[illegible]	2798
[illegible]	2800
[illegible]	2857
[illegible]	2874
[illegible]	2885
[illegible]	2888
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nancy J Kinney	4225
Sydney E Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H Gibson	4327
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R Goodall	5356
Charles Hotter	5390
James W Gotshall	5417
Dora Cox	5425
Nannie G Alberty	5438
[illegible]	5455
[illegible]	5484
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[illegible]	[illegible]

Horace H Huddlestun	5832
William R Sartain	5837
Joseph A Lawrence	5843
William H Hinton	5846
Joseph Lehr	5851
Emm M Young	5852
Mary C Barnes	5853
Matilda Thompson	5861
William W Young	5872
Farley F Ellis	5874
Rosa B Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H Merchant	5888
John D Merchant	5889
Sarah E [illegible]	5894
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
[illegible] S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida I. Wilson	6455
Mary E. Taylor	6459
[illegible]	6468
[illegible]	6471
[illegible]	6476
[illegible]	6478
[illegible]	6480
[illegible]	6484
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary F Foreman	7158
Alma West	7159
James M Connally	7161
Francis M Crowell	7163
Fannie E McClure	7171
Benjamin B Graham	7176
Ada Pharis	7180
William L Whisenhunt	7184
Frances B Perry	7191
Philip Shultz	7210
Hester A Miller	7212
Maggie B Edmond	7213
Eliza Jordan	7217
Wilmer L Rees	7218
Thomas M Price	7225
James G Wilson	7231
Frank Rosser	7263
Lee W Thompson	7267
Melissa Wyatt	7271
Sidney L Jackson	7273
Henry W Caughlin	7282
Sonny Rice	7291
Mary S Sparks	7[illegible]
John A Murphy	[illegible]
Myrtle Robinson	[illegible]
Annie L Thomas	[illegible]
James T Crowe	[illegible]
Joseph L Jackson	[illegible]
Paul [illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Joseph P Smith	9550
George E Watkins	9552
Florence Henry	9553
Jesse H Johnson	9560
Lydia B Barger	9561
Mary Jane Thomas	9562
James F Petty	9563
Laura McCrary	9566
Joel D Smith	9568
William T Cave	9572
William Bugher	9577
James M Smith	9582
[illegible]	9583
[illegible]	9587
Robert F Gentry	9590
[illegible]	9591
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William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W Werther	9883
Margaret Crittenden	9884
Moses L Morris	9889
Sarah L Rogers	9891
Stephen Duncan	9892
Gideon D Sleeper	9895
William A Maddin	9896
John H Horton	9904
Howe L Rogers	9905
William Rush	9912
George W Edens	9916
William H Hall	9920
Edith B Pheasant	9935
Carrie A Collins	9936
Lucinda Spragg	9937
Ella L Hall	9939
John W Harris	9940
Hannah Roper	9942
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James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Wade Shelley	10038
John E. Carter	10039
John M. Boyd	10043
William Fraser	10047
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Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M Rucker		10222
Henry C Reed		10224
Laura B Timberlake		10226
George A Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	103
George L. Kidds	D	108
Henry C Agent	D	139
Joseph Phipps	D	147
Henry Hester	D	149
David A. McCormick	D	161
Maggie Rutherford	D	169
Annie Lowery	D	180
Nancy Hood	D	184
Lucy A. Johnson	D	232
Nathaniel G. Sampson	D	242
Caroline W. Hood	D	244
Lena Taylor	D	245
Sallie V. Sullivan	D	265
Jesse H. Lockett	D	266
William H. Crenshaw	D	284
Lucy A. Sullivan	D	284
Mary Fowler	D	287
Frank Hammond	D	295
William T. Baker	D	297
Samuel J. Johnson	D	304
Sarah Lester	D	306
Lucy B. Crump	D	307
Linda Johnson	D	311
James F. Allen	D	312
Nannie V. Walker	D	313
Ada Bell	D	314
Mary W. Wade	D	315
Henry L. Dupree	D	316
Willis Sanders, Jr.	D	318
James B. Allen	D	319
Jesse P. Jones	D	320
Frank M. Johnson	D	321
Samuel B. Thompson	D	444
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H Hawkins	D	594
Lula M Purcell	D	600
Ben Estes	D	603
Thomas M Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N Walker	D	641
Joseph Davis	D	648
Lawrence A. Keys	D	650
Lyman L. Rutherford	D	655
Nicholas J. Hood	D	682
William S. Mills	D	688
Forest Wade	D	698
Peggy A. Bryant	D	718
Clarence W. Lewis	D	720
James Wood	D	722
Ernest L. Hood	D	724
Frank J. Sullivan	D	728
Clarence W. Smith	D	734
Adam W. Cook	D	740
Grace V. Chandler	D	742
Lena E. Anderson	D	743
William Cook	D	744
Lucy Bennett	D	745
Douglas L. Washington	D	746
Paul Phelps	D	747
Alfonso A. Moore	D	748
William P. Lee	D	749
Charles A. Thompson	D	750
Lucy Williams	D	751
Lena Bennett	D	752
Lucy F. Wells	D	753
Lena Sullivan	D	754
Mary L. Jones	D	755

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C Helterbrand	D	1003
Thomas J Welch, Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A Evans	D	1032
Carrie H Cobb	D	1040
John M Burns	D	1069
Sarah E Henson	D	1085
Laura D Henson	D	1086
Hettie E Downing	D	1090
Benjamin F Cran[illegible]	D	[illegible]
Benjamin Strickar[illegible]	D	[illegible]
Nancy Spatard[illegible]	D	[illegible]
Annie Wilson	D	[illegible]
Ora H Maxwe[illegible]	D	[illegible]
Reuben W [illegible]	D	[illegible]
[illegible] Childs	D	[illegible]
[illegible] Hughes	D	[illegible]
[illegible] B Reed	D	[illegible]
Martha Cate[illegible]	D	[illegible]
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Herbert F Couch	D	2700
Albert C Dykes	D	2703
Delora Drew	D	2704
Frank F Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nichiffer	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
Irene Riley	D	2739
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Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Leha C Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R Mizer	R	266
Martha Spade	D	3092	Belle A Powell	R	352
Julian Wyrick	D	3093	Austin L Hill	R	420
Samuel Harlan	D	3157	Mary L Dudley	R	439
Lizzie Pharis	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A Payne	R	484
Sarah E Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E Thornton	D	3183	Dora Crane	R	628
Manse Thompson	R	4	Andrew Sitrell	R	642
[illegible]	R	5	John Sitrell	R	642
[illegible]	R	10	Lillie Max Wilson	R	643
[illegible]	R	19	Ollie A Barger	R	656
[illegible]	R	41	Ida Hawkins	R	671
[illegible]	R	45	Lizzie Davis	R	761
[illegible]	R	61	Clara M Emmons	R	803

Cherokee D650

Muskogee, Indian Territory, March 14, 1907.

Leander A. Keys,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

Cher R1151

Trans from Cher D655

Cher R 1151

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 15 1900

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

58

Date ... OCT 19 1900 ... 1900.

Name James J. Barnhardt Collinsville Ms

District COOWEESCOOWEE. Year 1896 Page 217 No. 150

Citizen by blood NO Mother's citizenship

Intermarried citizen NO

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Doubtful

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

	Dist	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist	Year	Page	No.	Age
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	Dist	Year	Page	No.	Age

1065

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., October 19th, 1900.

In the matter of the application of Nonie Barndollar for the enrollment of herself, husband and child as Cherokee citizens, she being of Delaware blood; bein sworn and examined by Commissioner Needles she testified as follows:

Q What is your name? A Nonie Barndollar.
Q What is your age? A 39
Q What is your post-office address? A Coffeyville.
Q What district do you reside in?
A I am residing at Coffeyville at present, in Kansas.
Q Are you a recognized citizen of the Cherokee Nation, by blood?
A Yes sir.
Q What degree of blood do you claim?
A Delaware, I was adopted as a Chrokee.
Q Are you Delaware by blood? A Delaware by blood.
Q For whom do you apply for enrollment?
A Myself, hus and and child.
Q Is your husband present? A Yes sir.
Q What is the name of your husband? A James J. Barndollar.
Q What is his age? A 58
Q Is he a white man? A Yes sir.
Q Have you a certificate of marriage?
A Yes sir. (Produces papers)

Com'r: The applicant presents certificate of marriage, certifying that she was married to one Mr. James J. Barndollar, and under the name of Miss Leronia I. Pratt, married on the 26th day of December last, according to the laws of the Cherokee Nation.

Q What is your name now? A I go by the name of Nonie Barndollar.
Q Do you sign it that way? A I sign my name Nonie Barndollar.
Q What is the name of your child? A Pratt.
Q How old is he? A 9
Q Only one child? A One child.

[illegible] roll page 176 [illegible] as Nannie Pratt Delaware, adopted Delaware; [illegible] roll page 761 [illegible] as Nonie Barndollar, Cherokee-Delaware; [illegible] roll page 807-158 James J. Barndollar " " [illegible] roll page 761 also Pratt Barndollar, " " Note on roll: "Residing in Coffeyville, Kansas, with all effects."

Q How long have you lived in the Cherokee Nation, or did you reside in the Cherokee Nation at all?
A Yes sir, I have resided in the Cherokee Nation about, well I considered it my legal home for 27 years.
Q What has it been your actual residence?
A My actual residence has been Coffeyville.
Q You give your residence as Coffeyville Kan? A Yes sir.
Q You owned property in the Cherokee Nation?
A My interests are here.

James J. Barndollar, being sworn and examined by Com'r Needles testified as follows:
Q What is your name? A James J. Barndollar.
Q Are you the husband of Nonie Barndollar? A Yes sir.
Q You are a white man? A Yes sir.

Q Do you reside in the Cherokee Nation?
A No sir, I am residing in Coffeyville, Kansas.
Q Never have had an actual residence in the Cherokee Nation?
A Well, no, I have always regrded this as my legal home, Cherokee laws made it so; I have done business in this place for 10 years nearly; own property; that note is not correct; at the time that that note was made I was doing business and had been for years here, had a farm, owned property, stock, had at the time-----
Q You continue to exercise citizenship i Kansas? A No sir. I never voted or attempted to vote outside of the Cherokee Nation within that time. And I have voted in the Cherokee Nation.
Q Ever serve on a jury in the State of Kansas?
A Never since that time; I was objected to.
Q What date do you fix f r that, since you were married?
A Since my marriage I have never been summonsed except once, shortly after that time, and was objected to.
Q Any other statement you desire to make in regard to this residence?
A Only statement I can make is I have ever since my marriage been in poor health, - I am now, - and for the sake of health and comfort I reside in Coffeyville; good parts of the year we are away from home at other parts of the United States; I have always exercised the rights of citizenship in the Nation, and nowhere else; I have had property interests here all the time.

Com'r. The applicant presents certificate from R. T. Alberty Assistant Executive Secretary of the Cherokee Nation, under the seal of the Cherokee Nation, certifying that a marriage license under date of [illegible] was issued to James Barndollar a United States citizen to marry Miss Nonie Pratt, a Cherokee citizen, said license being in due form as required by law.

Com'r Needles: The name of Nonie Barndollar appears pon the authenticated roll of 1880 as Nannie Pratt and upon the census roll of 1896 as Nanie Barndollar; she is duly identified as Nonie Barndollar; she applies for the enrollment of herself as a freedmen citizen by blood; she presents satisfactory proof of marriage to one James J. Barndollar, a citizen of the United States; she avers that by said marriage she has one child, named Pratt, whose name also appears upon the census roll of 1896 and the name of her husband, James J. Barndollar, appears upon the census roll of 1896; they are duly identified according to page and number of the rolls as indicated in the testimony, and they give evidence said Nonie Barndollar and her husband, James J. Barndollar as to their residence.

[illegible] the Cherokee Nation by its representative, and protests against the enrollment of said Nonie Barndollar and her husband, James J. Barndollar, she applying as a freedman citizen by blood and he as a intermarried citizen by intermarriage, because of the fact of their residence as claimed by said representatives of the Cherokee Nation, being in the State of Kansas, consequently the final judgment as to the enrollment of said Nonie Barndollar and her husband, James J. Barndollar, and her son, Pratt, will be withheld, and their names will be listed upon a doubtful card.

M. D. Green, being first duly sworn states that he stenographer to the Commission to the Five Civilized Tribes of the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible] M. D. Green

Subscribed and sworn to before me this 22nd day of October 1906.

[illegible] T. B. Needles
Commissioner.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the foregoing testimony and proceedings, and that the same is a true and correct copy of the original.

Mattie E. L. Watt

Sworn to and subscribed before me this 13th day of April, 1903.

Edward C. Merrill
Notary Public.

Applicant and child Delawares:

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., October 19th, 1900.

In the matter of the application of Nonie Barndollar for the enrollment of herself, husband and child as Cherokee citizens, she being of Delaware blood: being sworn and examined by Commissioner Needles she testified as follows:

Q What is your name? A Nonie Barndollar.
Q What is your age? A 39.
Q What is your post-office address? A Coffeyville.
Q What district do you reside in? A I am residing at Coffeyville at present, in Kansas.
Q Are you a recognized citizen of the Cherokee Nation, by blood? A Yes sir.
Q What degree of blood do you claim? A Delaware, I was adopted as a Delaware.
Q Are you Delaware by blood? A Delaware by blood.
Q For whom do you apply for enrollment? A Myself, husband and child.
Q Your husband present? A Yes sir.
Q What is the name of your husband? A James J. Barndollar.
Q What is his age? A 58
Q [illegible] A Yes sir.
Q Have you a certificate of marriage? A Yes sir.(Produces papers)

[illegible] that records certificate of marriage, certifying that [illegible] was married to one Mr. James J. Barndollar, and under the name of Missouria I. Pratt, on the [illegible] day of December 1898, according to the laws of the Cherokee Nation.

Q What is your name now? A I am by the name of Nonie Barndollar.
Q Do you sign at that way? A I sign my name Nonie Barndollar.
Q What is the name of your child? A Pratt.
Q [illegible] A 9
Q Is [illegible] child? A The child.

[illegible] roll page 156 #2[illegible] and Nonie Pratt [illegible], do not [illegible]
[illegible] roll page 141 #119 as Nonie Barndollar, Cooweescoowee District;
[illegible] roll page 247 #120 James J. Barndollar
[illegible] Roll page 248 #121 Pratt Barndollar;

Note in Exhibit "A" [illegible] Coffeyville [illegible] all of cents.

Q [illegible] lived in the Cherokee Nation, or did you reside [illegible] A Yes sir, I have resided [illegible] about, all the time considered it my legal home for 27 years.
Q [illegible] actual residence? A My actual residence is at Coffeyville.
Q [illegible] Coffeyville at present? A Yes sir.
Q [illegible] Cherokee Nation A For interests are here.

[illegible], being duly sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A James J. Barndollar
Q Are you the husband of Nonie Barndollar? A Yes sir.
Q You are a white man? A Yes sir.
Q Do you reside in the Cherokee Nation? A No sir. I am residing in Coffeyville, Kansas.
Q Have you had an actual residence in the Cherokee Nation as your legal home, Cherokee Nation? A I have always regarded it as my legal home, Cherokee Nation, and I have some business in the Nation there [illegible] property, that is not worked yet [illegible] I regard myself.

that that note was made I was doing business and had been for yearshere, had a farm, owned property, stock, had at the time--
Q You continue to exerfcise citizenship i Kansas? A No sir, I have never voted or attempted to vote outside of the Cherokee Nation within that time. And I have voted in the Cherokee Nation.
Q Ever serve on a jury in the State of Kansas? A Never since that time; I was objected to.
Q What date do you fix for that, since ~~thexxxxxxx~~ you were married? A Since my marriage; I have never been summonsed except once, shortly after that time, and was objected to.
Q Any other statement you desire to make in regard to this residence? A Only statement I can make is ~~xxxx~~ I have ever since my marriage been in poor health,- I am now,- and for the sake of health and comfort I reside in Coffeyville; good parts of the year we are away from home at other parts of the United States; I have always exercised the rights of citizenship in the Nation, and nowhere else; I have had property interests here all the time.

Com'r: The applicant presents certificate from B. W Alberty ~~Assistant Executive Secretary of the Cherokee Nation~~, under the seal of the Cherokee Nation, certifying that a marriage license under date of December 21st, 1888, was issued to James Barndollar a United Statescitizen to marry Miss Nonie Pratt, a Cherokee citizen, said license being in due form as required by law.

Com'r Needles: The name of Nonie Barndollar appears upon the authenticated roll of 1896 as Nannie Pratt and upon the census roll of 1896 as Nanie Barndollar; she is duly identified as Nonie Barndollar; application for the enrollment of herself as a Delaware citizen by blood; she presents satisfactory proof of marriage to one James J. Barndollar, a citizen of the United States; she avers that by said marriage she has one child, named Pratt, whose name also appears upon the census roll of 1896 and the name of her husband, James J. Pratt Barndollar, appears upon the ~~xxxxxxx~~ census roll of 1896; they are duly identified according to page and number of the rolls as indicated in the testimony, and the five witnesses/~~xx~~ in said Nonie Barndollar and her husband, James J. as to their residence;

Now comes the Cherokee Nation by its representative, and ~~xxxxxxxx~~ protests against the enrollment of said Nonie Barndollar and her husband, James J. Barndollar, ~~xxx~~ applying as a Delaware citizen by blood and he as a Cherokee citizen by intermarriage; because of the fact of their residence as claimed by said representatives of the Cherokee Nation, being in the State of Kansas; consequently the final judgment as to the enrollment of said Nonie Barndollar and her husband James J. Barndollar and her son, Pratt, will be suspended, and their names will be placed upon a doubtful card.

I, [illegible] being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of October 1906.

[illegible]

Supl.-C.D.#655.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 6, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JAMES J. BARNDOLLAR, d. #655, and NONIE BARNDOLLAR, ET AL., Del. D. 17, as citizens of the Cherokee Nation:

The applicants were notified by registered letter February 15, 1902, that their application for enrollment as citizens of the Cherokee Nation would be taken up by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicants this day appear by their attorney, E. B. Lawson, Nowata, Indian Territory:

Commission of Mr. Lawson: Is there any statement you desire to make relative to this application:

Mr. Lawson: The only statement I desire to make is that I request 20 days in which to file a brief of the case.

Commission: Aside from that do you submit it to the Commission?

Mr. Lawson: Yes, sir, I have no further evidence.

The attorney for the applicants in behalf of applicants and The attorney for the Cherokee Nation in behalf of the Nation submit the case. The same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicants requests and will be granted 20 days in which to file a brief, one copy with the Commission and one copy with the represent tive of the Cherokee Nation

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedin s had in this case on the above date and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Stenographer.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 14th, 1902.

In the matter of the application of James J. Barndollar for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-655.

Cherokee Nation appears by J. C. Starr.

MRS. JAMES J. BARNDOLLAR, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Mrs. J. J. Barndollar.
Q. How old are you? A. 41.
Q. What is your post office? A. Well, my husband's business address is Nowata, Indian Territory; my person address is Coffeyville, Kansas.
Q. That is where your mail would go? A. Yes, sir.
Q. Your husband is a white man, is he? A. Yes, sir.
Q. You are a DelawareIndian? A. Yes, sir.
Q. When were you married to your husband? A. It was 13 years ago.
Q. Was he married to you under a Cherokee marriage license?
A. Yes, sir.
Q. Are you his first wife? A. First wife.
Q. Is he your first husband? A. First husband.
Q. Have you and your husband been living together ever since your marriage? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. How long has your husband lived in the Cherokee Nation? A. Why he has been in business there 13 years; ever since our marriage.
Q. In business where? A. Nowata. That is where all his business mail goes. We have a residence in Coffeyville. My husband is an invalid. He spends his summers in resorts and spends some of the time at Coffeyville. The physician as recommended it. Here is a note from his physician. We have always had a representative at Nowata and that has been his business. He has a room there and spends most of the time he is able to there.
Q. At Nowata? A. At Nowata.
Q. Have you a home there? A. We have a furnished room and board at the hotel.
Q. Do you own a home in Coffeyville? A. Yes, sir
Q. He spends his summers------A. At a summer resort or sanitarium.
Q. How long have you been living in Coffeyville? A. All our married life.
Q. Was he an invalid when you were married? A. He was soon after we were married. He was recommended by his physician to give up his business as much as possible. I lived in the Territory about 20 years prior to our marriage.
Q. It has only been since your marriage you lived out?
A. Yes, sir.
Q. What is your husband's business? A. He is a general merchant at Nowata. His nephew looks after his business.
Q. Has your husband voted in the Cherokee Nation ever since your marriage? A. Always.
Q. Does he vote in Kansas? A. No, never voted in Kansas.
Q. Do you regard Nowata or the Cherokee Nation as your home?
A. We consider the Cherokee Nation as our proper home; always; that is where our interest is.

Examination by Mr. Starr.

Q. Is your husband in any business in Coffeyville? A. Only as stockholder. Nothing that he is with at all. He was in business and he gave that up.
Q. Your husband has never lived in the Territory? A. No, but he roomed there and considers it his home when he is there. He is there as much as in Kansas when he can attend to it.

Examination by the Commission.

Q. Do you own any farm or property in the Cherokee Nation?
A. Yes, sir; at Nowata.
Q. Do you still own that? A. No, sir.
Q. Sold it? A. Yes, sir.
Q. Your husband owns this store property? A. Yes, sir; and lots.
Q. Where are the lots? A. Nowata; only in Nowata. He has given that his entire attention.
Q. Where were you living June 28th, 1898? A. That is since our marriage. We lived in Coffeyville since our marriage.

||||||||||||||||||||||||||||||||||||||||

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 1st day of December, 1902.

Notary Public.

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., May 8, 1902.

In the matter of the application of
James J. Barndollar for the enrollment
of himself as a citizen of the Cherokee
Nation by intermarriage and his wife as a citizen
of Delaware blood.

Cherokee D. 655.
Delaware D. 17.

Brief on behalf of the Cherokee Nation.

The testimony in this case shows that James J. Barndollar is a white man; that his wife is a Delaware; and that prior to their marriage she was a resident of the Cherokee Nation, and her name appears upon the roll of 1880; that they were married in accordance with the Cherokee law on December 26, 1888, and since that time have resided continuously in Coffeyville, Kansas, where James J. Barndollar is engaged in business; and he testifies that he has never had an actual residence in the Cherokee Nation.

There is a note upon the 1880 census roll to the effect that [illegible] and his wife are 'Residing in Coffeyville, Kansas, with all their effects,' and because of their residence they were listed for enrollment by the Commission upon a doubtful card,- the husband upon Cherokee Doubtful No. 655, and the wife on Delaware Doubtful No. 17.

There is but one question for the Commission to determine, and that is what effect their residence in Coffeyville, Kansas, may have upon their right to be enrolled as citizens of the Cherokee Nation, they having resided continuously there ever since their marriage in December, 1888. Of course the residence of the husband is that of the wife, and her citizenship must follow that of her husband.

Respectfully submitted,

[illegible] U.S. Hastings U.S.C.

U.S.C.

Attorney for the Cherokee Nation.

I, the undersigned, beingduly sworn, state that as stenographer to the Commission to the Five Civilised Tribes I copied the foregoing brief, and that the same is a true and correct copy of the original.

Mamie E. Miller

Sworn to and subscribed before me this 14th day of April, 1903.

Edward Merrick.
Notary Public.

State of Kansas, : SS

County of Montgomery.

Personally appeared before me the undersigned, a Notary Publicin and for the County and state aforesaid. Dr. J. A. Wood, who on his oath deposes and says that, for the ten years last past he has been the personal and family Physician to J. J. Barndollar: That of his own personal Knowledge he is knowing to his physical condition all during that time . That during that time his Malady (Diabetis) has required such constant Medical, Hygene and Sanitary care as he could not receive in the Indian Territory. And that in his opinion the said J. J. Barndollar has prolonged his life by making his temporary residence elsewhere.

John A Wood M D

Subscribed and sworn to before me this 7 day of November 1900.

Notary Public.

My term expires

To the Honorable Dawes Commission

Gentlemen

I beg to herewith present certain facts in support of the claims of myself and family for enrollment as Cherokee Citizens;

I was married to Rosie Pratt ~~at Rattlesville I.T. Dec 26th 1888~~ under license by and in Conformity with the Cherokee laws governing such Marriages. Rosie Pratt had then long been a Citizen of the Cherokee Nation by reason of Special Act of the Cherokee Council in Connection with her brother Geo Hamine Butler and her sisters Ella Pratt Rowe Mrs J.A. Nelson and Lula Pratt Rowe Mrs J.A. Nelson All of which are matters of record in the archives of the Cherokee Nation and are known to me.

The name of Rosie Pratt appears on the Cherokee roll of 1880 and the names of J.J. Ridgedale Rosie Ridgedale and Pratt Ridgedale sons of J.J. & Rosie Ridgedale appear on the Ridgedale roll of 1880

Rosie died 1892 & I have continued

in my own name done business, farmed, raised stock, paid taxes voted occasionally and done all things pertaining to Citizenship without question at Nowata O.T. and for several years in connection with other Citizens at Claremore I.T.

In addition proof of my Citizenship is the appearance of my name on the official bond of the late treasurer the Hon. D.W. Lipe and various bonds in the Cherokee and United States Courts requiring only Citizens as Condsmen, All the acts enumerated were unlawful, in a non Citizen,

It is true that for reasons of health as certified to by Dr J.A. Ford, and reasons unsatisfactory to a certain person the race made our Conformance impossible across the border of the Reservation and none only spent such time in the Territory at short intervals as the interests necessitated It is also true that our Conformance according to the same reasons has been continuous if the same looked upon Nowata as our home at all times

and I have done no act pertaining to a Citizenship such as Voting, attempting to Vote Serving as juror &c outside of the Cherokee Nation since Dec. 1888,

All of which is respectfully submitted

J. J. Bandellar

Andrew Ter
North Dist } Subscribed and Sworn to
before Me this 3 day of Nov. 1900
E B Belcher Notary Public
My Com Exp Nov. 23 1900

This is To Certify. that Mr J.J. Baundolean, of this City. is an invalid in My Care. and That his Sickness is of Such a Nature That it would be highly imprudent and unsafe. to Subject him-self to the Exertion and discomfort as would be necessary for him to appear, before the Pension Commission at Muscogee at this time. or in the near future.

J.A. Wood M.D.

Coffeyville Kas
Sept 18. 1902,

OMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
. R. BRECKINRIDGE

ATTISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

Mrs. Nonie Barndollar,

Coffeyville, Kansas,

Madam:-

You are hereby notified that the application of James F. Barndollar

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the sixth day of March, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representative of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony touching the question of your right to enrollment, and said Representative will be required to notify you of the time and place of taking testimony, before the same is given publicity.

Commissioner in charge.

Cherokee D 655

Muskogee, Indian Territory, October 13, 1902.

James J. Barndollar,
Coffeyville, Kansas.

Dear Sir:

The act of Congress approved July 1, 1902 (Public No.241) and ratified by the citizens of the Cherokee Nation, August 12, 1902, provides that " the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two."

In accordance with said provision, you are hereby directed to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to your right to enrollment as an intermarried citizen, on September 1, 1902.

At the same time, you will be required to submit further evidence as to your residence in the Indian Territory.

Please give this matter your immediate attention, as no further continuance is necessary to determine your right to participate in the allotment of the lands of the Cherokee Nation, and until

J. J. B.

the same is furnished, no further action will be taken looking towards your final enrollment as an intermarried citizen.

Please present this letter when you appear before the Commission.

Respectfully,

Commissioner in Charge.

Cherokee D 658

Muskogee, Indian Territory, October 13, 1902.

E. D. Lawson,

Attorney for James J. Barndollar,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that James J. Barndollar has this day been directed to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and submit evidence relative to his right to enrollment as an intermarried citizen of the Cherokee Nation, on September 1, 1902; also, evidence as to his residence in the Indian Territory.

Respectfully,

Commissioner in Charge.

Cherokee No.
D. 655

Muskogee, Indian Territory, January 10, 1907.

James J. Barndollar,
Coffeyville, Kansas.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Incl. Decn. R

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al

DECISION.

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E Hair	1090
Norman S Drake	1092
Susan Hogg	1094
David L Scott	1099
James C Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J Ivens	1149
Joseph M Cottell	1177
Jane Rates	1225
George L Norton	1234
Malada D Thompson	1237
Charles M [illegible]	1264
Lucy Carlile	1265
William H Norton	1
Clifton Bragg	1
Dollie Wilson	1
Mamie Daly	1
[illegible]	1
Ezra L. Dodge	1
William M [illegible]	1
[illegible]	1
[illegible]	1
Mary M. [illegible]	1
Maud E. [illegible]	1
[illegible]	1
[illegible]	1

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E McNair	2659
Millard F Eggleson	2668
Elisha M. Gray	2686
Jessie M Ballard	2694
Annie Mayes	2798
Belle Stykiller	2809
James P Riley	2825
William Broaddus	2854
William A Martin	2865
Joseph Q Buchanan	2888
Marcellus L. Baker	2905
Etta M Hill	2945
John R Smith	2952
Ira W Wadlow	2976
John B Lawrence	3000
Della O Henderson	3007
Bell L Muskrat	3013
Lora O Ford	3041
Margaret Seagrey	3047
Winfield S Nance	3057
Benjamin F Kelley	3062
Mollie Daugherty	3067
Charles H Lewis	3071
Alice A Edwards	3081
Amanda Adair	3088
William B Cox	3095
Dora B Lewis	3101
Jesse M Gallimore	3105
Martha E Turner	3109
Artie E Turner	3114
Andrew A Reed	3120
Anna B Rose	3126
Ella Henderson	3128
Lucy L Jackson	3135
Jesse Fleming	3147
Robert L Payne	3173
William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M Roseborough	3444
Madison G Hawkins	3467
Japhat F Ellis	3491
Emma McAffrey	3543
William T Hiatt	3570
Myra F Chouteau	3580
Phillip Donohoo	3581
Fred L Kelley	3593
Annie Herod	3594
Maggie V Fields	3615
Lon Payne	3616
Frederick W Stroud	3692
Andrew L McCormick	3713
Sarah Dorrenmeyer	3731
William F Cullen	3758
Edward F Mullins	3761
Maggie McConnell	3795
Douglas R Thompson	3871
Theodore A Wilson	3841
Clarence F Gunn	3868
Samuel M Wilson	3886
Mark J Wade	3889
Lucian Drummond	3894
Minnie F Harmon	3897
Annie L Woodson	3917
Mary Brown	3937
William W Foster	3944
Minnie M McCampbell	3956
James R Williams	3958
Alexander H Cochran	3959
Amy L Shell	3960
Willie Thomas	3974
Wanona M Woods	3985
Lizzie Cook	4007
Nancy [illegible]	4010
Annie C Kennedy	4042
William H Reed	4049
Wanona Brewer	4050

Nancy J Kinney	4225
Sydney E Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T Morrison	4294
Perley Israel	4295
William A Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H Gibson	4327
John McFall Jr	4343
Albert W Fitzsimmons	4360
George S. Lord	4386
Quinn Cate	4387
William A. Powell	4396
Austin Hasley	4400
Anna Bibb	4424
Elizabeth Rose	4428
Lucy P Sheffield	4449
Anderson Jones	4456
Ida M Anson	4457
Martha J Randall	4461
Mollie Conner	4471
Jesse Mansfield	4485
Jennie Ryan	4488
Hannah Bradley	4495
Charles W Clifton	4501
Nannie P. Lee	4510
John W McDaniel	4513
Minnie Armstrong	4518
Ada Shepherd	4547
Mary Thompson	4557
Ida Armstrong	4560
Maud Spencer	4561
Nathaniel J. Nipple	4581
James A McDaniel	4585
Emma B. Cole	4587
Lewis Long	4595
Lida Cannon	4605
Annie E Cannon	4606
Annie Patterson	4608
Minnie B Taylor	4611
Mary A Rogers	4614
Emma Browning	4615
Clara Shaw	4619
Roxie J Ketchum	4623
Lizzie Love	4626
Robert K Wann	4632
Frederick Metzner	4633
John C Bratcher	4634
Pigrow L. Jones	4641
Ada Berthelf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Frances	4650
Clemon C Peek	4652
Mont C Frazier	4653
Frank J Mayberry	4656
Charles W. Moore	4660
Jefferson D Edmondson	4661
Alonzo H Bates	4662
Thomas C Mack	4668
Sallie Adams	4669
Emmett F Burgess	4671
Ludie Brewton	4675
James M Rising	4676
Augustus A Nelson	4681
Lucy Smith	4685
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[illegible]	[illegible]

Nora B. Burgess	5236
John E Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H Wells	5261
John T Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H Thomas	5329
Melville B Baird	5332
James R Goodall	5356
Charles Horton	5390
James W Goddard	5417
Dora Cox	5425
Nannie G Alberty	5438
Sadie Ward	5455
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William A Polson	5613
Paulina P Pitcher	5614
Charley Headrick	5615
William N Stinson	5616
Lenora A Henry	5621
Ellie M Adams	5622
John H Shrimp	5624
Thomas B Dickson	5625
Minnie Henry	5628
Thomas J Simpson	5629
Capt L Lane	5630
Reuben E DeLozier	5631
John Heape	5640
Perry G Brock	5645
Mary J Newcomb	5650
George W Seigel	5660
Martha A Parks	5666
Zelda C Mills	5674
Lizzie Rogers	5675
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[illegible]	5711
[illegible]	5712

Horace H Huddlestun	5832
William R Sartain	5837
Joseph A Lawrence	5843
William H Hinton	5846
Joseph Lehr	5851
Ann M Young	5852
Mary C Barnes	5857
Matilda Thompson	5861
William W Young	5870
Earley I Ellis	5874
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Sarah Canton	5879
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William H. Winget	6376
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George A McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C Springston	6407
Fanny N. Witt	6413
Lillie M Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E Marrs	6441
Ulysses S. Reeves	6443
Daniel A Smith	6447
Henry J Dawson	6450
Sarah Adair	6452
Ida F Wilson	6455
Mary E Taylor	6459
Catherine Henson	6468
Charles C Fitzsimmons	6471
Mary F Campbell	6476
Columbus N Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Mathes	6490
Martha F McLeroy	6498
Mary A Brown	6507
Marion M Ellis	6509
Mollie Mayfield	6510
Sarah Rogers	6511
Frank Powell	6512
Georgia Jackson	6546
Leonard S Simpson	6549
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James McInerney	6567
Fannie Carlile	6578
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William L Martin	6603
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Lillie Mayfield	6660
Sallie W Jones	6665
Ella M Ross	6669
Isaac Phillips	6672
Isaac L Powell	6674
William M Thomas	6675
Lillie L Hutchinson	6676
Mary Adair	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A McDonald	6783
Rosia B Willis	6785
Daniel Hubbard	6787
Mary R Tadpole	6801
Magnus A McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M Welch	6846
Cora Griffin	6850
John S Hyatt	6853
Jefferson K Tyner	6855
Flora R Miller	6859
Lizzie Craig	6872
Jacob C Johnson	6876
George W Ware	6897
Isaac B Deerhorse	6901
Ludwig E Hutchison	6943
Clarence L Tyner	6961
Jessie M Rose	6965
Rose Taylor	6975
Clara Hutchison	6976
James V Sanders	6979
Lawrence C Payne	6988
Richard M Mayfield	7004
William Henry Reeves	7005
Louisa Fyffe	7009
Willie H Herbrand	7015
Alice M Roberts	7031
Charles Mayes	7043
Minnetta J Tyner	7051
Lydia H Keach	7058
Lizzie L Ruffin	7067
Ella Thomas	7081
Jeremy Martin	7084
Rose E Austin	7094
Ingwald Jensen	7100
Wallace B Thomas	7101
Clarence Mayes	7104
Maggie Mathes	7113
Mary Mary Elwood	7123
Benjamin Hayes	7129

James Maher	7128
Terry A Parkinson	7146
Cora L Hanks	7147
Otto J Zufall	7149
Rufus M Norman	7155
Mary I Foreman	7158
Alma West	7159
James M Connally	7161
Frances M Crowell	7163
Fannie E McClure	7171
Benjamin B Graham	7176
Ada Pharris	7180
William L Whisenhunt	7184
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Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
Wilham T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Lila Cornwell	9598
Asa A. Hedrick	9599
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Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hall	9939
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Hannah Raper	9942
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Addie B Miller	10027
William R. Condry	10028
James D Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J Dameron	10035
Wilham Warner	10036
George A Allen	10037
Watie Shetley	10038
John E Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B Troth	10049
Harry A Kelley	10050
Mary I Parrell	10051
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Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M Rucker		10222
Henry C. Reed		10224
Laura B Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L Stokes	D	28
Peter Walters	D	44
Columbus M Reeves	D	58
Sarah Barnes	D	103
George T Kiddy	D	108
Henry C Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A McGlamer	D	161
Maggie Doubleheard	D	169
Mame Lovett	D	180
Nora Hood	D	184
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May Fields	D	297
Katie Hummingbird	D	408
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Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Cram	D	1099
Benjamin Strickler	D	1129
Nancy Spannard	D	1130
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Cora Childs	D	1146
Jamie Hughes	D	1170
Frances B. Reed	D	1188
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David A. Martin	D	[illegible]
Fred D. McElroy	D	[illegible]
Nathaniel R. Martin	D	[illegible]
James H. Rogers	D	[illegible]
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Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L Harlin	D	2715
William R Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S Ross	D	2738
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Horace Gray	D	3082
Lula Pack	D	3083
Lelia C Harris	D	3084
Thomas Jones	D	3086
Benjamin Laws	D	3088
Martha Spade	D	3092
Julian Wyrick	D	3093
Samuel Harlan	D	3157
Lizzie Phariss	D	3171
Jack Michael	D	3172
Sarah E Davis	D	3176
Grace Guthrie	D	3181
Mary E. Thornton	D	3183
Mamie Thompson	R	4
Jerome G Thompson	R	5
William T Kelly	R	10
Alice Tidwell	R	19
Rosetta McLaughlin	R	41
Marcia A Perdue	R	45
Gabriel L Payne	R	61
Della Baldridge	R	105
Samuel Richey	R	107
Malissa Fields	R	144
Fred Zimmerman	R	220
Ella Anspach	R	241
Michael R. Mizer	R	266
Belle A Powell	R	352
Austin L Hill	R	420
Mary L Dudley	R	439
Stephen Hazlett	R	465
Mary A Payne	R	484
Rebecca Benge	R	563
Sarah Wilson	R	613
Dora Crane	R	628
Andrew Sitrell	R	642
John Sitrell	R	642
Lillie May Wilson	R	643
Ollie A Barger	R	656
Ida Hawkins	R	671
Lizzie Davis	R	761
Clara M Emmons	R	803

Cherokee D 655

Muskogee, Indian Territory, March 14, 1907.

James J. Barndoller,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

Commissioner.

RPI

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. V. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

Cher R 1152

Trans from Cher D 521

see Testimony in Cher R 1072

Cher R 1152

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Oct. 11 1900.

1 33 Name Hiram Riddle Atoka Switch 25.

District Kil.

Year 1896 Page 398 No. 356

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage Jan. 9. 1895

License Certificate

2 Wife's name Ida B. Riddle

District Kil. Year Page No.

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

	Date	Year	Page	No.	Age

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4, 1900.

In the matter of the application of Lula Pearl Weddle for the enrollment of herself as a Cherokee by blood and her husband as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckenridge, she testified as follows:

Q Give me your name, please? A Lula Pearl Weddle.
Q How old are you? A 26 years old.
Q What is your post office? A Albia Switch.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll, yourself? A Myself and husband and two children.
Q Are you a Cherokee by blood? A Yes, sir.
Q Your husband a white man or a Cherokee? A He is a white man.
Q How long have you lived in the Cherokee Nation? A Ever since I was a child.
Q Have you lived here all your life? A No, sir, I came here in 1884.
Q You have lived here then since 1884? A Yes, sir.
Q Where you admitted to citizenship by the Cherokee Commission?
A I reckon so.
Q Have you a certificate of your admission? A I don't know, I have witnesses here.
Q Give me the name of your father? A L. M. Douthitt.
Q Is he alive or dead? A He is living.
Q The name of your mother? A Nancy C. Douthitt.
Q Is she alive or dead? A She is alive.
Q How long has she been dead? A 20 years.
Q What was your mother's maiden name? A Dawson.
Q Mary California Dawson, is that right? A Yes, sir.
(The applicant presents an official certificate showing that in January, 1883 certain persons were admitted to Cherokee citizenship.)
Q Is your mother's name on this list, this paper? A I don't know.
Q For what purpose do you hand me this paper? A That is my grandfather.
Q What is his name? A E. Dawson.
Q Elbert Dawson? A Yes, sir.
(The name of Elbert Dawson is found on the paper.)
Q What was the name of Elbert Dawson's wife? A Sarah Jane Jernan.
Q Do you claim that her name is on this paper? A My uncle handed it to me, I haven't looked at it, he is right here as a witness.

Francis Marion Dawson, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Francis Marion Dawson.
Q How old are you? A I am 56 years old.
Q What is your post office? A Oneida.
Q Are you the uncle of this lady here, Lula Pearl Weddle? A Yes, sir, she is my brother's daughter.
Q She has handed me a paper here, showing that certain people were admitted to citizenship in 1883, and on that appears the name of Elbert Dawson; that is the name of your father, was it? A No, sir, that is my brother.
Q Was his wife admitted at the same time he was? A No, sir.
Q Then you don't present that any name is on this, do you?
A No, sir, her name is not on that paper.
Q There is a Sarah Dawson here, but that is not his wife? A No, sir, that is my sister.
Q The name of the mother of this woman is not on this paper?
A No, sir.
Q This paper is supposed an official evidence of the admission

mission of the applicant's grandfather as stated, Elbert Dawson.)

Lula Pearl Weddle, recalled, testified:

Q Is your mother has been dead 20 years she was dead before this paper was issued? A She died in 1890.

(The admission states that the persons admitted were entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and they were admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.)

Q Now you came here in 1884, did you? A Yes, sir.

Q And have lived here ever since? A Yes, sir.

Q Give me the name of your husband? A Hiram F. Weddles.

Q How old is he? A He is 33 years old.

Q Have you his marriage license and certificate? A No, sir, I have no living witness to my marriage but one.

Q Did he get out a Cherokee license? A Yes, sir.

Q Why hasn't he got it? A It got misplaced in some way.

Q In what district did he get that out? A Delaware.

Q When were you married? A In 1895.

Q What time in 1895? A January 9.

Q Has he lived with you ever since you were married? A Yes, sir.

Q Give me the names of your children, please? A Curtis, 4 years old next January.

Q What is the name of the next one? A Morris Owen, 2 years old next April.

Q Have you a certificate of the birth of each of these children?

A Yes, sir.

Q Did you ever apply to the Dawes Commission for admission to citizenship? A We paid Judge Dennison to have one of our children put on.

Francis Marion Dawson, recalled, testified:

Q Do you know whether your family ever applied to the Dawes Commission for admission? A No, sir, they went down to the Dawes Commission to see if we were on this 1896 roll.

Q You never made application? A No, sir.

Q This certificate of admission appears to have been used in the United States Court; for what purpose was it in the United State Court in 1896? A It was simply recorded; I had that done myself.

(Lula Pearl Weddle on 1896 roll, page 553, No. 5418, Lula P. Weddle, Delaware district. Hiram F. Weddle on 1896 roll, page 595, No. 586, Delaware district.)

Q Do you know about your niece being married to her husband, Hiram F. Weddle? A I know this much, I was at the Court House and John Duncan was Clerk and her husband came over there to get a license to marry, and Duncan told me he issued the licenses.

Q You never really were at the marriage? A I heard of it.

Q Have they been living together ever since as husband and wife?

A Yes, sir.

The applicant presents an official certificate of admission of her grandfather to Cherokee citizenship as set forth in the testimony in 1868. She states that she came to the Cherokee Nation in 1884 and has lived here ever since. She is identified under her married name on the roll of 1896 as a native Cherokee. Her marriage and consequent change of name is established by her own and her uncle's testimony. For the further consideration of the rights conveyed to her by the certificate of admission referred to her, her application will at present be placed upon a doubtful card, and the final decision of the Commission will be communicated to you. When she applies the Commission with certificate of birth of her two children named in the testimony, they also will be placed upon a doubtful card with her as Cherokees by blood. She states that her husband is identified with her on the roll of 1896, was married to her on January, 1895, he

accordance with Cherokee law, and that he has lived with her in the Cherokee Nation ever since their marriage. She is not able to supply the Commission with a marriage license and certificate at this time. She is desired to supply the Commission with said license and certificate or with a copy of the official record relating thereto. He will be placed upon a doubtful card to await this testimony, as well as for the determination of the rights of his wife, through whom he claims.

(The printed record of the Cherokee Nation shows that a Lula Dauthitt was admitted by the Cherokee Commission September 13, 1884.)

Q Do you think that could have been your name? A Yes, sir.
Q Do you think you were admitted yourself at that time?
A No, I was just a child.
Q That doesn't keep you from thinking that is or isn't your name? A That is my name.
Q Did you have a brother named Dallas? A Yes, sir.
(His name is mentioned with that of the applicant.)

You are desired to supply the Commission with an official copy of your certificate of admission by your maiden name as just set forth.

.....

Now come the representatives of the Cherokee Nation and protest against the enrollment of this applicant, alleging that if she was admitted, she obtained her admission by fraud.

.....

Bruce G. James, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 5th of October, 1900.

Commissioner.

D571

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 21 1902
ACTING CHAIRMAN

Delaware Dist (
Cherokee Nation (

I hereby certify that Mr Hiram Weddel, a oit citizen of the United States and Miss Lula Douthitt a citizen of the Cherokee Nation were duly married agreeable to the laws and customs of the C.N. and recorded on this Jan 20th 1895.

John E.Duncan,
Clerk Del Dist C.N.

Executive Office Cherokee Nation,
Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Delaware District Cherokee Nation now filed in this Office by law and in my legal custody,and the same is all said record shows either in regard to a licens or marriage certificate,of the marriage of said parties.

Given under my hand and the seal of the Cherokee Nation this the 14th day of April 1902.

B. W. Alberty

Assistant Executive secretary,
Cherokee Nation.

Delaware Dist)
)
Cherokee Nation,)

I hereby certify that Mr.Hiram Weddel a citizen of the U.S. and Miss Lula Douthitt,a citizen of the Cherokee Nation were duly married agreeable to the laws and customs of the ~~Cherokee Nation~~ C.N. and recorded on this Jan.20th 1895.

J.E.Duncan Clerk Del Dist.C.N.

Executive Office Cherokee Nation ,
Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do Here by certify that the foregoing is a true copy taken from the marriage record of Delaware District and all that said record shows in regard to Licese or marriage certificate;that said record has been filed in this office by law and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 5th day of February 1902.

B. W. Alberty
Assistant Executive Secretary,
Cherokee Nation.

Cherokee D 521.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 14, 1902.

In the matter of the application of Hiram F. Weddle for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lula P. Weddle, and his two minor children, Curtis and Morris O. Weddle, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

Dawson Case.

HIRAM F. WEDDLE, being sworn, testified as follows:

By the Commission,

Q What is your name? A Hiram F. Weddle.
Q What's your age at this time? A Thirty-five years old.
Q Thirty-five? A Yes, sir.
Q What's your postoffice? A Albia, I. T.
Q Are you the same Hiram F. Weddle that applied to the Commission in October, 1900, for enrollment as an intermarried citizen?
A Yes, sir.
Q Your age, Mr. Weddle, at that time was put down at twenty-three, was that a mistake, instead of thirty-three? A I think it must have been a mistake. My wife, I guess, give it in.
Q What is your wife's name? A Lula P. I think is the way it is on the roll.
Q Is she a citizen by blood of the Cherokee Nation? A Yes, sir.
Q When were you married to your wife, Lula P.? A January, '95, ninth of.
Q Ninth of January, '95? A Yes, sir.
Q Were you married under Cherokee license to her? A Yes, sir.
Q Have you filed that license with the Commission? A Yes, sir.
Q Were you ever married before you were married to Lula P.?
A No, sir.
Q Was she ever married before she married you? A No, sir.
Q Have you and she lived together as husband and wife since your marriage in '95 up to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together on the first day of September, 1902, as husband and wife? A Yes, sir.
Q Have you lived in the Cherokee Nation all the time since your marriage in '95 up to the present time? A Yes, sir.
Q How long has your wife, Lula P., lived in the Cherokee Nation?
A Ever since '84.
Q All the time since '84? A Yes, sir.
Q Are these two children, Curtis and Morris O., your children by your wife, Lula P.? A Yes, sir.
Q Both living at this time? A There ought to be another one there, May.
Q Have these two children lived in the Cherokee Nation all their lives? A Yes, sir.
Q When was the other child born? A Born June 29th.

Retta Chisk, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chisk

Subscribed and sworn to before me this 31st day of October, 1902.

B E Jones

Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 1st, 1902

Hiram F. Weddle,

Albia Switch, Indian Territory

Sir:-

You are hereby notified that the application of yourself, your wife and two minor children for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 17th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your Marriage and Admission certificates.

Yours truly,

Acting Chairman.

Cherokee 3-441

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of .....

..... for enrollment as a Cherokee Freedman.

No. F. D. 521 .....

I, J. C. STARR, of lawful age, being duly sworn on oath states that on the 6th day of March, A. D, 1902 he registered to ..... whose postoffice is ..... Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at ..... Indian Territory; and that on the 14th day of ..... 1902 he received the return card which is hereto attached, signed by the said ....., showing that he had received said notice.

Subscribed and sworn to before me on this the 3 day of March, A D 1902

J. C. Starr
Notary Public


FILED

NOTICE

IN THE MATTER OF the application of [illegible] et al for enrollment as Cherokee citizens:

Case No. D 521

To Albert F. Waddle et al Albia D.T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T., Indian Territory, on [illegible], 1902, or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible], 1902.

W. W. Hastings

Attorneys for the Cherokee Nation

Cherokee D 821

Muskogee, Indian Territory, April 4,1902.

A. S. McKennon, Esq.

South McAlester, Indian Territory.

Sir:

Upon an examination of the testimony in the matter of the application of Lula Pearl Weddle for the enrollment of her husband Hiram F. Weddle, it appears that she testified that she was married to said Hiram F. Weddle on January 9,1895. Under the practice of this Commission it will be necessary file a marriage certificate or certified copy of the same. In the event that this is impossible the fact of the marriage should be established by further evidence.

Please give this matter your immediate attention.

Yours truly,

Commissioner in Charge

Register

COPY.

Cherokee D-031.

Muskogee, Indian Territory, February 25, 1903.

Lula P. Weddle,

Albia Switch, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, in the consolidated case of Francis M. Dawson, et al., granting, among others, your application for the enrollment of yourself and your three minor children, Curtis, Morris O. and Roy Weddle, as citizens by blood, and for the enrollment of your husband, Hiram F. Weddle, as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnished your attorney, A. S. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both your attorney and the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Rec. H-66.
Enclosed.

Acting Chairman.

Cherokee D-521.

Muskogee, Indian Territory, April 12, 1904.

Lula P. Weddle,

Albia Switch, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated December 23, 1902, granting, among others, the application for the enrollment of yourself and minor children, Curtis, Morris O. and Roy Weddle, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. B. McKennon,

Attorney for Francis ... Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1903, in the consolidated case of Francis ... Dawson, et al., granting the application for the enrollment of Francis ..., Lula, Ray, Jessie J., Jacob ..., ... A., Laura A., John, William R. and Francis ... Dawson, Jr., Harris, Arthur, Edna E., Edward ..., and George W. T. Atkins, Jesse ..., Albert ..., Ralph ..., Alford, Samuel R., August, Jake and Robert Dawson, ... Lemon, Rose, ..., Dora, Ida, Annie, Shannon, ... and Oscar Dalawson, Jesse, Robert ..., Isla ..., Samuel ..., Rose ..., Thelma ..., Mattie ... Jennings ..., James ..., Fergal C., Thomas ..., Marion ..., Orla ..., Burr ... and James W. Dawson, Bill Dawson, Flora, Lillie B., Claud, Dwight and William D. Lemon, Jessie A. Dawson, Jesse, Minnie E. and Myrtle Lena ..., Isaacuri, Joseph F., Robert ..., Gideon, John T., Julius ..., Thomas T., Mary E., Jesse T., Francis M. and Florence A. Grimes, Laverne A., Ada ..., Eva T., Jesse T., Ray E., Roberta A., and

Roy W. Painter, Florence L., [illegible] and Claude Bradshaw, Joe E., William C., Tom E., Dan [illegible] and Robert Lee Graham, Joe Willie Neal, Ethel L., Marion, Lennie, Luther and Floyd Graham, Mollie, Nora, [illegible], Clara, Ora, James W., and ~~Edna Edith Moore~~, Richard W. and [illegible]. Dawson, Ella L., Wellen V. and William Glenn Spruckerman, [illegible], Ralph L., Robert L., and William C. Dawson, Zona, Sarah [illegible], Claud L., [illegible], Thomas [illegible] Virgil W. Patterson, [illegible], Lawrence E., Donnell J., Elmer A., Ola [illegible], Rufus L., Luger, [illegible], Jesse L., Vinnie [illegible], Erskine D., Edwin C. and Jewell T. [illegible], Otis Brewer, Nit[illegible], Dolly [illegible], Elvis T. and Jasper Cecil [illegible], Roger, Walter, Elijah, Laura, Oscar, Claude and Nina [illegible], Tennessa, Irene [illegible] and William W. [illegible], Lavonne [illegible], Willie Jo and Linda L. Flanagan, Lula [illegible], Curtis, Merrie L. and [illegible], Theodore, Vivian and Alice A. Brown, Tom T. [illegible], Dan, Tom and Charles Daly and William W. Denbright, as evidenced by [illegible] of the Cherokee Nation, and disapproving the applications for the enrollment of Cecil Watson, Linnie Ann Watson, Melvin as citizens by blood of the Cherokee Nation, the decision dated prior to September 1, 1950, was affirmed by the Secretary of the Interior on March 31, 1952, and that the Commissioner's decision rejecting the [illegible] for the enrollment of James, Ray, Edna, Roberta, and Lena Cole, Lizzie, Jessie, Ray, and Grace Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Sir:

Roy V. Painter, Florence P., Myrtle and Claude Bradshaw, Joe E., William C., John F., Edna M. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Mollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ina E. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Albert B., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Claud A., Edgar D., Thomas L. and Virgil V. Patterson, Joseph R., Clarence E., Jouncil J., Elmer A., Cleo, Rufus T., Edgar, Wilborn, James A., Virnie D., Ermine C., Edwin C. and Ancil F. Dawson, Etta Brauer, Kitty, Delia F., Finis T. and Jasper Cecil [illegible]dson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and William E. Woolley, Laverna A., William A. and Annie L. Fishback, Lula F., Curtis, Morris O. and Roy Weddle, Florence, Clide and Alice A. Morgan, John B. Fishback, Nora, Roby and Charley Mary and William D. Douthitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens by blood of the Cherokee nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior March 31, 1904, and that the Commission's decision rejecting the applications for the enrollment of James, May, Edna, Roberta, and [illegible] Lewis, Tate, Minnie, Jessie, May, and Clyde Jackson as citizens

by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on the same date.

Respectfully,

Commissioner in Charge.

D. C. 10612-1904. DEPARTMENT OF THE INTERIOR, JP
WASHINGTON. 7HX
J.W.H.

LRS

ITD 7442-1903.
7452- "

March 31, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis M. Dawson et al., for enrollment as citizens of the Cherokee Nation. In your decision of December 23, 1902, you disposed of the applications in the Dawson case by groups. In this letter Group XIII, as disposed of by you, will be considered.

This group includes those applications designated by you as D. 343, D 521, D 737, D 843 and D 979.

Title D 343 refers to the application of Alonzo M. Fishbeck for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A., and his minor children, William A. and Annie B. Fishbeck, as citizens by blood of the Cherokee Nation. It appears that the said Alonzo M. Fishbeck was married May 17, 1893, in accordance with the laws of the Cherokee Nation to Laverna A. Dawson, to whom he was previously married on May

State of Texas, according to the laws thereof in 1877. She was admitted to citizenship in the Cherokee Nation by the act of the National Council approved December 1, 1894, under the name of Verena Fishback.

All the members of this family are identified upon the 1896 roll. Vervena Fishback is also identified upon the pay roll of 1880. The father and mother have resided in the Cherokee Nation since 1883.

Title D 521, refers to the application of Lula Pearl Weddle for the enrollment of herself and her minor children, Curtis, Morris O., and Roy Weddle, as citizens by blood, and for the enrollment of her husband, Wirms F. Weddle, as a citizen by intermarriage of said nation. It appears that Lula Pearl Weddle, formerly Lula Pearl Douthitt, was admitted to citizenship in the Cherokee Nation by decree of the Spears Court dated September 13, 1884. She has resided in the Cherokee Nation since 1884, and is identified upon the 1880 census roll. Her children named above are identified by birth affidavits.

Title D 737 refers to the application of Elbert L. Morgan for the enrollment of his wife, Florence, and his minor children, Hilda and Alice A. Morgan, as citizens by blood of said nation. It appears that the said Florence Morgan is the Florence Flournay referred to under title D 718, which was disposed of by you in Group xii. She was admitted to citizenship December 1, 1894, with her mother, Kitty Richardson, formerly Flournay as a member of her

family. She has resided in the nation since 1894. Her children, Clide and Alice A. Morgan, are identified by birth affidavits.

Title D. 845 refers to the application of John R. Fishback for the enrollment of himself as a citizen by blood of said nation. This applicant is a son of the Loverna Fishback who was admitted to citizenship on December 1, 1894, and was a minor at that date. He is identified on the census roll of 1896 and has resided in the Nation since 1894.

Title D. 979 refers to the application of George A. Mabry for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children, Roby and Charlie Mabry, as citizens by blood of said nation. The principal applicant was married to Edna Dawson in Arkansas, in 1884. Subsequently, it is claimed, they married in the Cherokee Nation, in accordance with the laws thereof, in 1889. The testimony is not clear as to whether or not George A. and Edna Mabry were married in accordance with the Cherokee law. They were married, however, at the date of her admission by the National Council, viz: December 1, 1894, to Cherokee citizenship, her name appearing therein as Edna Mabry. She is identified on the strip payment roll of 1894, and has resided in the nation with her husband since 1884. Their children, Roy and Charlie Mabry, were minors at the date of their mother's admission.

The attorneys for Mabry have filed a motion for a rehearing in his case, supported by a brief. Both motion and brief have been

duly served upon the attorney for the Cherokee Nation. The latter has filed a reply thereto. The purpose of said motion is to secure a rehearing in order to establish that George A. Mabry was married in accordance with the laws of the Cherokee Nation.

In said decision of December 23, 1902, you held that all of the applicants are entitled to enrollment except George A. Mabry.

Reporting in reference to this group on October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, except in so far as Miram F. Weddle, Alonzo E. Fishback, and George A. Mabry are concerned, who are classified as applicants claiming by intermarriage. The Commissioner is of the opinion that George A. Mabry should have an opportunity to show that his marriage with Edna Dawson was performed in accordance with the Cherokee law. He does not believe, however, that the case should be returned until after the Court of Claims has rendered its opinion submitted to it by the Department on February 24, 1903. He calls attention, however, to the act of December 1, 1894, which reads as follows:

Senate Bill No. 18.

Be it enacted by the National Council, that M. A. Foland, Edna Mabry, Hittie Flournoy, Verona Fishback, H. C. Tayler and Elmer Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of Cooweescoowee district.
Passed by the Senate November 27th, 1894.

Rabon Young, president Senate,
J. C. Starr, Clerk of Senate.

Concurred in by the Council November 28th, 1894.

W. Gray, Speaker of Council, protem.
J. W. Bird, Clerk of Council.
Approved December 1st, 1894.

C. J. Harris, Principal Chief, C. N.

and states that it is possible that George A. Mabry was admitted to

citizenship by the force of said act. In view of the fact that Wabry applied for enrollment as an intermarried citizen, the Commissioner considers it unnecessary ~~x~~ to discuss his rights under said act of the National Council.

It should be noted in this connection, that if the act is applicable to Wabry, it also refers to Alonzo M. Fishback.

Title D 542 refers to the application of William D. Southitt for the enrollment of himself as a citizen by blood of said nation. He was admitted to citizenship by the National Council September 13, 1884, and is identified on the census roll of 1896. Since 1884 he has resided in the nation.

The Department concurs in your decision as to those applicants who claim enrollment by blood. Respecting those claiming by intermarriage, action will be deferred until a decision shall be rendered by the Court of Claims concerning the rights of intermarried persons to enrollment in the Cherokee Nation.

A copy of Indian Office letter of October 16, 1903, relating to this group, is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

(COPY)

Refer in reply to the following:
Land 13855-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, October 16,1903

Cherokee Enrollment
Francis M. Dawson et al., Group 13.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of even date transmitting the record relative to applicants, parties to Group 1 of the Francis M. Dawson Consolidated Case, there is enclosed herewith the record relative to the applicants involved in Group 13.

D 321, Group 13, page 1.

Lula Pearl Weddle applies for enrollment of herself and her minor children, Curtis and Norris O. Weddle, as citizens by blood and for the enrollment of her husband, Hiram F. Weddle, as a citizen by intermarriage. She also applies for the enrollment of Ray Weddle who was born subsequent to the date of her original application. He is properly identified by a birth affidavit.

D 322, Group 13, page 8.

William L. Southit applies for the enrollment of himself as a citizen by blood.

D 341, Group 13, page 9.

Alonzo M. Fishback applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife,

Laverna A. Fishback, and their minor children, William A. and Annie B. Fishback, as citizens by blood.

D 737, Group 13, page 19.

Albert L. Morgan applies for the enrollment of his wife, Florence Morgan, and their minor child, Clide, as citizens by blood. He also applies for the enrollment of Alice A. Morgan, his minor child, born subsequent to the date of his original application. This minor is identified by a birth affidavit.

D 845, Group 13, page 24.

John E. Fishback applies for the enrollment of himself as a citizen by blood.

D 979, Group 13, page 27.

George A. Mabry applies for the enrollment of himself as an intermarried citizen and for the enrollment of his wife, Edna Mabry, and their minor children, Roby and Charlie Mabry, as citizens by blood.

December 23, 1902, the Commission found that all of the applicants above named, except George A. Mabry, were entitled to enrollment as citizens of the Cherokee Nation. Miram F. Waddle and Alonzo M. Fishback as citizens by intermarriage and the others as citizens by blood.

The parties to this group claiming the right to enrollment are related to the Reeves but they do not claim the right to enrollment by reason of such relationship. The evidence in this case shows that Miram F. Waddle was married September 18, 1864, under

Laverna A. Fishback, and their minor children, William A. and Annie B. Fishback, as citizens by blood.

D 737, Group 13, page 19.

Elbert L. Morgan applies for the enrollment of his wife, Florence Morgan, and their minor child, Clide, as citizens by blood. He also applies for the enrollment of Alice A. Morgan, his minor child, born subsequent to the date of his original application. This minor is identified by a birth affidavit.

D 846, Group 13, page 24.

John A. Fishback applies for the enrollment of himself as a citizen by blood.

D 972, Group 13, page 27.

George A. Embry applies for the enrollment of himself as an intermarried citizen and for the enrollment of his wife, Edna Embry, and their minor children, Roby and Charlie Embry, as citizens by blood.

December 22, 1906, the commission found that all of the applicants above named, except George A. Embry, were entitled to enrollment as citizens of the Cherokee Nation. Hiram P. Waddle and Alonzo M. Fishback as citizens by intermarriage and the others as citizens by blood.

The parties to this group claiming the right to enrollment are related to the Downums but they do not claim the right to enrollment by reason of such relationship. The evidence in this case shows that Hiram P. Waddle was married September 18, 1884, under

a Cherokee license, to Lula P. Douthitt (Group 13, page 1). Lula P. Weddle, nee Douthitt, was admitted to citizenship in the Cherokee Nation by the Spears Court, September 13, 1884. The decision of this Court admitting her is as follows:

And now on this the 13th day of September, 1884 comes this case for final hearing and all the evidence in the case having been carefully read and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Douthett and Dallas Douthett are Cherokees by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

Eli Spears, pres.
John Lee,
Andrew Young,
Commission on Citizenship.

John L. Adair,
Clk Com'n.

Wiram P. Weddle and his wife are identified by the 1896 rolls. Lula P. Weddle has lived in the Cherokee Nation since 1884.

William P. Douthitt (Group 13, page 8) is a brother of Lula P. Weddle and was admitted to citizenship in the Cherokee Nation by the Spears Court September 13, 1884. He is identified by the census roll of 1896 and the record shows he has lived in the Cherokee Nation since he was admitted to citizenship.

Leverna, or Verona, Fishback, nee Dawson (Group 13, page 9) is a daughter of Jasper Dawson, who was admitted to citizenship January 11, 1883. She was first married to Alonzo H. Fishback in 1867, in accordance with the laws of Texas. May 17, 1883, they were remarried in accordance with the laws of the Cherokee Nation. Leverna Fishback does not, however, claim right to enrollment by reason of the admission of her father but by reason of her own admission on December 1, 1896. The act of the national council admit-

ting her and others to citizenship is as follows:

Senate Bill No. 15.

Be it enacted, by the National Council, that M. A. Foland, Adna Mabry, Kittie Flourney, Verena Fishback, M. C. Tayler and Abner Cox, together with their families, be, and are hereby entitled to all the rights and privileges as are enjoyed by the rest of the members of their families who are citizens of the Cherokee Nation by blood, and all of whom are now residents of cooweescoowee district Passed by the Senate November 27th, 1894.

Roach Young, President Senate.
J. Q. Starr, Clerk of Senate.

Concurred in by Council November 28th 1894.

V. Gray, Speaker of Council Pro tem.
J. H. Dick, Clerk of Coulmcil.
Approved December 1st, 1894. C. J. Harris, Principal Chief C. N.

Alonzo M. Fishback, and the persons for whom he applied are identified by the Cherokee census roll of 1896. His wife is also identified by the Cherokee pay roll of 1890. The Fishback family has lived in the Cherokee Nation since 1883.

Elbert L. Morgan (Group 13, page 19) is the husband of Florence Morgan, Nee Flourney, who is the daughter of Kitty Richardson, formerly Flourney, nee Dawson. Mrs. Richardson was admitted to citizenship in the Cherokee Nation by the National Council December 1, 1894, under the name of "Kittie" Flourney. The members of her family were also admitted by this act.

John M. Fishback (Group 13, page 24) is a son of Laverna A. Fishback who was admitted to citizenship in the Cherokee Nation by act of the national council of December 1, 1894. His mother was admitted under the name of "Verena" Fishback.

Adna Mabry (Group 13, page 27) was married to George A. Mabry December 11, 1884, in accordance with the laws of the State of

Arkansas. She and her husband claim to have been married in 1889 under the laws of the Cherokee Nation. The record contains no evidence as to this latter marriage except the testimony of the applicants. Edna Mabry is a daughter of Robert and Nancy Dawson. Robert was admitted to citizenship in the Cherokee Nation January 11, 1883. Edna Mabry, however, does not base her right to enrollment on her father's admission. The record shows that she and the members of her family were admitted to citizenship by act of the national council approved December 1, 1894.

In view of the foregoing the office is of the opinion that the decision of the Commission with reference to the parties to this group is correct and should be approved except in so far as it relates to the enrollment of Hiram F. Waddle and Alonzo M. Fishback who are applicants for enrollment as citizens by intermarriage and to George A. Mabry who is an applicant for enrollment as an intermarried citizen whose enrollment has been denied by the Commission. The approval of the Commission's decision, except as to the parties mentioned, is recommended, and attention is respectfully invited to office report of even date transmitting Group 1, of this consolidated case.

August 31, 1903, Kimball & White, attorneys of this city, filed a brief and argument relative to the right of George A. Mabry to enrollment as an intermarried citizen. In their letter it is stated that a copy of the brief was forwarded to the attorney for the Cherokee Nation.

September 23, 1903 (I.T.D. 8018), the Department forwarded to this office the reply of the Cherokee Nation to the brief above mentioned. May 23, 1903 (I.T.D. 4851), the Department transmitted to this office a motion for a new hearing with reference to the right of George A. Mabry to enrollment.

August 4, 1903, Kimball & White filed a motion "for review and recommitment" to the Commission of this group in so far as it relates to the right of George A. Mabry to enrollment as an intermarried citizen.

The evidence does not show that George A. Mabry and his wife, Edna Mabry, have been married in accordance with the laws of the Cherokee Nation. Mabry testifies that they were so married but he did not furnish a copy of the marriage license or of the record of the Cherokee Nation pertaining to such marriage. In order that no injustice may be done this applicant, the office believes that the case, so far as he is concerned, should be returned to the Commission in the event the Court of Claims finds that intermarried citizens are entitled to enrollment and to participate in the distribution of the Cherokee estate.

It is not believed, however, that the case should be returned until after the Court of Claims shall have made its findings and rendered an opinion on the question submitted to it by the Department February 24, last.

Attention is respectfully invited to the fact that the act of December 1, 1894, admitted to citizenship in the Cherokee

Nation Edna Mabry, among others, "together with their families." George A. Mabry and Edna Mabry were married prior to the date of said act and it may be possible that George A. Mabry was admitted to citizenship in the Cherokee Nation December 1, 1894, by reason of the fact that his wife and the members of her family were admitted to citizenship. However, as he has applied for enrollment as an intermarried citizen the office does not consider it necessary to discuss this point but invites attention thereto.

Very respectfully,

W. A. Jones,

Commissioner.

G.A.W. (3).

Cherokee
D 521

Muskogee, Indian Territory, December 19 1906.

Hiram F. Weddle,

Albia Switch, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 4, 1906, and your application denied.

Respectfully,

Commissioner.

LMC

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. S. McKennon,

Attorney for Katie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. W-10
S.V.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. P-11
S.W.

(COPY)

D.C.53540-1906. Y.FL

DEPARTMENT OF THE INTERIOR LLB

WASHINGTON.

December 4, 1906.

I.T.D.7442,7444,
7446,7448,
7450,7452,
7454,7456,
7458,7462,
7464,7466,
7906-1903.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis E. Pite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (formerly Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James M. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, William A. Dawson, Hiram F. Waddle, Alonzo W. Fishback, Lizzie Jackson, and George A. Mabry, as citi-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Francis M. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 13, 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed)- Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

23 inc. to Ind. Of.

END
OF
REEL

